

Probate Information

Probate & Estate Administration

Provided by the Probate & Estate Planning Section of the State Bar of Michigan

What is Probate & Estate Administration?

Probate is the court process by which the property of a person who has died (decedent or deceased) is distributed. Estate administration after a person's death involves:

- Gathering the assets of the estate
- Paying debts & final expenses
- Distributing remaining assets

A lawyer can assist in every aspect of estate administration.

What Assets are Owned by the Deceased?

There are several types of assets in which the deceased may have owned an interest:

- Solely owned assets
- Jointly owned assets
- Assets held in trust
- Business interests
- Life insurance proceeds
- Retirement accounts
- Open contracts

Non-Probate Assets

If the deceased designated a beneficiary to receive an asset upon the deceased's death, it is known as a non-probate asset. It may not require any type of estate administration or court filings. These assets pay directly to the named beneficiary and are not transferred under the deceased's will. They include:

- IRAs
- 401(k) plans
- Life insurance policies



- Annuities

Bank accounts owned jointly with rights of survivorship do not require estate administration (as long as there is a surviving co-owner). If the deceased owned an interest in a business, the governing documents of the business may provide for the transfer of the deceased's interest without court involvement. In addition, any assets held by the deceased in a trust will likely avoid probate court involvement.

Why do I Need a Lawyer's Help?

Using a lawyer experienced in probate and estate administration will make the entire process efficient and cost-effective, even when no formal proceedings are required. A lawyer will help you avoid mistakes in administration and make sure you are not held personally liable for the decedent's debts. Also, the legal fees are paid from the estate. Using a lawyer is especially important if it is unclear who should receive the decedent's assets or if there is conflict among the heirs or beneficiaries.

Next >>

Steps to Take After
Decedent's Death

Disclaimer

This brochure is for informational purposes only. The information provided in this brochure is not legal advice. You can get legal advice from a lawyer who is a member of the State Bar of Michigan at <http://directory.michbar.org>. You can find a lawyer who knows about the probate and estate administration process by searching for a lawyer in your area and using the **practice area search terms “probate & estate planning/estate administration” or “trusts & estates.”** The information in this brochure may be modified or rendered incorrect by future legislative or judicial developments and may not be applicable to any individual reader's facts and circumstances.

Publication Notice

Copyright 2016 Probate & Estate Planning Section of the State Bar of Michigan.

Permission to print or copy part or all of this work for classroom use is granted without fee provided that copies are not made or distributed for profit or commercial advantage and that copies clearly display this verbatim notice. Otherwise, permission must be obtained to copy all or part of this material in any manner. Abstracting with credit is permitted. To further copy, republish, post on servers, or redistribute to lists requires prior specific permission from the Probate & Estate Planning Section of the State Bar of Michigan. Persons granted permission to copy this work must display the above Publication Notice followed by "Included here by permission."