

# Decedent Estates & Wills

It is the Applicant/Petitioner's responsibility to plan for copies prior to filing. If you file by mail, and copies are provided to be court stamped, you must include a self-addressed stamped envelope for return.

## Small Estates

May be used if the total assets of the Estate are \$15,000 (plus cost of living adjustment) or less after funeral expenses are paid. That value is \$24,000 if the date of death occurred in 2021. The Will should be turned in to Probate but will not be Probated. A personal representative is not appointed.

## Informal Proceedings

Informal Proceedings occur in front of the Probate Register and are unsupervised. A Personal Representative is appointed by Register's Statement and Letters of Authority are issued. A Will may be admitted in an Informal Proceeding as long as the Will is original and valid. The Probate Register cannot admit a copy of a Will. It is suggested that you have an attorney to assist with this process, as the probate staff cannot give legal advice.

## Formal Proceedings

Formal Proceedings occur in front of the Judge and can be unsupervised or supervised. The Personal Representative is appointed by the Judge and Letters of Authority are issued. A Will may be admitted to Probate by the Judge. If the Will is not original, the Petitioner may request the Judge admit the copy at the hearing.

For an Overview of Formal Probate, visit the [Michigan Legal Help Website](#).

## **Petition & Order to Open Safe Deposit Box**

If you are an interested party and you believe that a Will or Burial Deed is located in a safe deposit box, but the Bank/Financial Institution does not allow you access to the box, you may need to file a Petition and Order Open Safe Deposit Box.

### **Serving Interested Parties**

#### **Who must do the service?**

Generally, the petitioner or attorney for the petitioner will do service.

#### **Who are the interested parties?**

Click [here](#) for a definition of interested parties. See section (C) for interested parties in specific proceedings.

#### **What do I fill out to show I served the interested parties?**

You must complete a Proof of Service ([PC 564](#)). Be sure that you fill in the title of the documents served. You must enter the name of the person served, his/her address along, and the date you mailed or personally served the document. Be sure to date and sign the document.

#### **What if I do not have an address for an interested person?**

You must serve notice by publication indicating the name of the person and "whereabouts unknown."