

All About the



Informal Probate Process

in Michigan



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What Is Informal Probate?

Informal probate allows a person to open an estate for a decedent without having to appear before a judge for a hearing. It only requires naming a personal representative and completing some paperwork. Contested Will cannot be informally probated.



Why the State Matters

Michigan has adopted the uniform probate code (UPC), which is a set of laws meant to make the process simpler. UPC states have three types of probate, including unsupervised formal, supervised formal and informal, which is the most common.

Why use Informal Probate?



An informal probate is useful when the beneficiaries have a good relationship. It is also helpful when there are no creditor problems and the proceedings are expected to go smoothly.

If a family member contests the will or the appointment of a personal representative, then probate becomes formal and could end up being supervised (*which means more hearings*).

The Informal Probate Process

- 1 Complete an Application for Informal Probate and/or Appointment of Personal Representative and file with the decedent's Will, Death Certificate, and other supporting documentation.
- 2 If there are no objections, the probate court can process the request and appoint a personal representative to handle the estate.
- 3 The personal representative receives Letters of Authority from the court as proof that they have authority to act.
- 4 Disperse formal notices to heirs, beneficiaries and creditors and publish a notice in the local newspaper.
- 5 Complete inventory of all assets that don't have a joint owner or beneficiary or were left in the decedent's name. This includes liens.
- 6 Keep all property safe and distribute the property after an accounting of all estate assets has been completed.
- 7 File a closing statement with the court stating all debts have been paid and property has been distributed.

Informal Probate Timeline

Probate is a 6-month process.

Here are the major events:



After the notice to creditors is published, creditors have 4 months to make claims and the personal representative has 3 months to file an inventory.



The Sworn Statement to Close Unsupervised Administration cannot be filed until at least 5 months after an estate has been opened



The court holds the statement for another 28 days before issuing the Certificate of Completion and officially closing their file.



An informal probate is kept open for 1 year. If additional time is needed, the personal representative needs to file a notice with the court stating why.

Dealing with Creditors

- If there are unknown creditors, they must refer to the "notice to creditors."
- If creditors are known, a "notice to known creditors" is sent to inform them they they need to file a claim.
- If a creditor files a claim against the estate, the personal representative can question its validity or request additional information to back up the claim.
- The creditor then has 63 days to respond to the disallowance.
- Creditors must be paid in the correct order according to priority.
- The personal representative puts together an accounting at the end of the process that starts with the inventory value and shows all income and expenses for the entire probate process.

Informal Probate is meant to be simple, but the process can be complex.

**The probate lawyers at
Carrier Law can help.**

Call 616-361-8400

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