

APPLICATION FOR INFORMAL PROBATE CHECKLIST

This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required. Probate Court personnel cannot give legal advice about your particular situation or complete forms for you. You are not required to have an attorney; however the Court cannot act as your attorney. If you choose not to obtain an attorney, you are expected to act as your own attorney. If you do not understand the process or these instructions, you will need to obtain other assistance.

Required to File:

- \$175 filing fee to the Berrien County Probate Court (payable by cash, check, or credit card)
- \$12.00 fee for each certified copy of the Letters of Authority (optional)
- Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate) ([PC 558](#)) The Application must be completely filled out, including:
 - a list of all heirs and devisees,
 - a statement about whether or not there is a valid Will,
 - a nomination of a personal representative,
 - a statement of what you are requesting the court to do, and
 - a signature and date, with address and phone number.
- Death Certificate** for the decedent
- The original Last Will and Testament and any Codicils (if they exist)
- Testimony to Identify Heirs ([PC 565](#))
- Appearance of Parent ([PC 606](#)) – required if an interested person is a minor
- Supplemental Testimony to Identify Nonheir Devisees ([PC 566](#)) – applicable only if there is a Will that gifts to a nonheir (such as a friend or a trust)
- Renunciation(s) ([PC 567](#)) – required if there are persons with equal or higher right to appointment.
Or
- Notice of Intent ([PC 557](#)) and Proof of Service ([PC 564](#)) – required if there are persons with equal or higher right to appointment and he/she does not sign a renunciation.
- Register's Statement ([PC 568](#))
- Acceptance of Appointment ([PC 571](#))
- Letters of Authority ([PC 572](#))

File/Mail to:

Berrien County Probate Court
811 Port Street
St. Joseph, MI 49085

Probate Court does not accept faxed/emailed copies. You must file the original with the Court. Probate Court staff cannot provide copies of your filings. It is the Applicant/Petitioner's responsibility to make arrangements 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.

After Appointment

Once appointed, a personal representative has several duties.

- ✓ File Inventory and pay the inventory fee
- ✓ Administer the Estate
- ✓ Properly Close the Estate

It is the personal representative's responsibility to understand and comply with these duties.

Additional Documents

- Notice of Appointment ([PC 573](#)) and Proof of Service ([PC 564](#)) You must serve Notice of your Appointment on all interested parties within 14 days of your appointment. Original Notice and Proof of service must be submitted to Berrien County Probate Court.
- Inventory ([PC 577](#)) and Proof of Service ([PC 564](#)) – due within 91 days from appointment – You will be required to pay the Inventory fee prior to making any disbursements from the estate or within one (1) year from appointment (whichever is first). Copy of inventory must be served to all interested parties.
- Notice to Creditors ([PC 574](#)) – If the decedent passed away in the previous three years, this form must be completed. You must publish in Berrien County approved newspaper. (click here)
 - No disbursement shall be made from the estate until after the creditors period has expired.
- Notice to Known Creditors ([PC 578](#)) – required to be served if the decedent had creditors and you know their identity. The original must be filed with the Court. A copy must be sent to the creditor.
- Send Notice to Friend of the Court ([PC 618](#)) - must serve on Friend of the Court
- Notice of Continued Administration ([PC 587](#)) and Proof of Service ([PC 564](#)) – must be filed annually within 28 days of the anniversary date of appointment until ready to close the estate.
- Account of Fiduciary ([PC 584](#)). You are required to complete an Account annually and serve on interested persons once a year. You are not required to file this with the Court on Informal Estates.
- Close estate by filing either: - must be served on interested persons and filed with the court
 - Sworn Statement ([PC 591](#)) or Sworn Statement Summary Proceeding ([PC 590](#)) and Certificate of Completion ([PC 592](#))
 - OR
 - Petition for Complete Estate Settlement ([PC 593](#)) Schedule of Distributions and Payment of Claims ([PC 596](#)) Account of Fiduciary, final ([PC 584](#)), Order for Complete Estate Settlement ([PC 595](#)), Notice of Hearing ([PC 562](#)), and Proof of Service ([PC 564](#))

Additional Links:

See Berrien County Probate Court's [Frequently Asked Questions](#) page for additional information. For an Overview of Informal Proceedings offered by Michigan Legal Help, click [here](#)

If you wish to obtain assistance filling out documents and/or to obtain an Informal Estate packet, contact Berrien County Self-Help Legal Resource Center at 269-983-7111 x 8790 or visit their [webpage](#).

**STATE OF MICHIGAN
PROBATE COURT
COUNTY OF**

**NOTICE OF INTENT TO REQUEST
INFORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE**

FILE NO.

Estate of _____

I, _____, intend to request my informal appointment
Name as personal representative of the estate. A copy of the application is attached. This notice is being served upon each person whose right to an appointment is prior or equal to my own. The court will not act upon my application until 14 days after the date this notice was mailed or until 7 days after this notice was personally served.

The actions you may take include:

- Upon paying a filing fee, filing a petition for formal proceedings to appoint a personal representative.
- Upon paying a filing fee, filing an application for informal appointment of yourself as personal representative provided you have a higher priority to be appointed.
- Contacting an attorney for assistance in representing you in any proceeding you wish to file in the court.

The court will not be able to provide you with any legal advice in completing or filing the forms.

Attorney name	Bar no.	Date
Address		Applicant signature
City, state, zip	Telephone no.	Address
		City, state, zip
		Telephone no.

NOTICE TO APPLICANT: You must attach this notice and a proof of service to the application for informal appointment when you file it with the court. If you are unable to serve an interested person because the address or whereabouts of that interested person is unknown, you must publish notice by using form PC 563a.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	APPLICATION FOR INFORMAL PROBATE AND/OR APPOINTMENT OF PERSONAL REPRESENTATIVE (TESTATE/INTESTATE)	FILE NO.
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Estate of _____

1. I, _____, am interested in the estate and make this application as
Name of applicant

Relationship to decedent, i.e., heir, devisee, child, spouse, creditor, beneficiary, etc.

2. Decedent information: _____
Date of death _____
Time (if known) _____
Date of birth _____
XXX-XX-
Last four digits of SSN

Domicile (at date of death): _____
City/Township/Village _____
County _____
State

3. A death certificate has been issued, and a copy is attached.
 No death certificate is available. Attached is alternative documentation of the decedent's death.
4. As far as I know or could ascertain with reasonable diligence, the names and addresses of the spouse, children, devisees, and heirs of the decedent, and other interested persons, the relationship to the decedent, and the ages of any who are minors are:
 (Required testimony forms are attached.)

NAME	ADDRESS	RELATIONSHIP*	AGE/DOB (if minor)
	Street address		
	City State Zip		
	Street address		
	City State Zip		
	Street address		
	City State Zip		

*Specify spouse, child, devisee, or heir.

Of the interested persons listed above, the following are under legal disability or otherwise represented and presently have or will require representation:

NAME	LEGAL DISABILITY	REPRESENTED BY <small>Name, address, and capacity</small>

5. a. Venue is proper in this county because the decedent was domiciled in this county on the date of death.
 b. The decedent was not domiciled in Michigan, but venue is proper in this county because property of the decedent was located in this county at the date of death.

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6. a. The decedent died intestate and after exercising reasonable diligence, I am unaware of any unrevoked testamentary instrument relating to property located in this state as defined under MCL 700.1301.
- b. I am aware of an unrevoked testamentary instrument relating to property located in this state as defined under MCL 700.1301, but the instrument is not being probated because (if this statement is true, the probate register must deny this application according to MCL 700.3311): _____
- The instrument is attached to this application. is already in the court's possession.
- c. The decedent's will, dated _____, with codicil(s) dated _____, is/are offered for probate and is/are attached to this application. is/are already in the court's possession.
- d. An authenticated copy of the will and codicil(s), if any, probated in _____ County, _____ is/are offered for probate, and documents establishing its probate are attached to this application.
State

7. To the best of my knowledge, I believe that the instrument(s) subject to this application, if any, was/were validly executed and is the decedent's last will. After exercising reasonable diligence, I am unaware of an instrument revoking the will or codicil(s).

8. A personal representative has been previously appointed in _____ County, _____ and the appointment has not been terminated. The personal representative's name and address are: State

Name _____ Address _____
City _____ State _____ Zip _____

9. I nominate _____ as personal representative, who is qualified and has the following priority
Name for appointment: _____. His/her address is: _____
Address

City _____ State _____ Zip _____

10. Other persons have prior or equal right to appointment as personal representative. They are:

Name _____ Name _____
Name _____ Name _____

Suitable renunciations, nominations, and/or a Notice of Intent to Seek Informal Appointment and proof of its service have been or will be filed.

11. The will expressly requests that the personal representative serve with bond.
12. A special personal representative is necessary because _____.

I REQUEST:

13. Informal probate of the will.
14. Informal appointment of the nominated personal representative with without bond.
15. The appointment of a special personal representative pending the appointment of the nominated personal representative.

I declare under the penalties of perjury that this application has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Applicant signature

Applicant name (type or print)

Address

Address

City, state, zip Telephone no. City, state, zip Telephone no.

Attorney signature

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO.
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In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Date

Signature

Name (type or print)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	TESTIMONY TO IDENTIFY HEIRS	FILE NO. _____
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Estate of _____
First, middle, and last name

1. My name is _____ . My address is _____
_____ .

2. I am related to the decedent (or know his/her family) as follows: _____

3. The date and time of the death of the decedent is _____ and at that time the
decedent's domicile (residence) was _____
Date Time Address

NOTE: IN THE FOLLOWING QUESTIONS, TREAT ALL PERSONS WHO DIED WITHIN 120 HOURS AFTER THE DECEDENT AS IF THEY DID NOT SURVIVE THE DECEDENT. List persons who died within 120 hours after the decedent in item 14 below.

4. The decedent did not leave a surviving spouse. left a surviving spouse named _____ .

5. a. The decedent had the following children, both natural (born in or out of wedlock) and adopted:

b. Of the children listed in 5.a, the following are no longer heirs due to their adoption by someone other than a stepparent:

c. Of the children listed in 5.a, the following were not children of the surviving spouse: _____

Answer question 6 only if question 5.a. was checked.

6. a. The following children listed in 5.a. died before the decedent: _____

b. Children listed in 6.a. left their own children (either natural or adopted) or left grandchildren from one or more of their own predeceased children who survived the decedent. The names of these descendants and the name of the child in 6.a. to whom they are related are as follows:

c. Of the persons listed in 6.b, the following are no longer heirs due to their adoption by someone other than a stepparent:

If decedent left no surviving descendant, complete 7.

7. The decedent did not leave a surviving parent. left a surviving parent named _____

(SEE SECOND PAGE)

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If decedent is not survived by spouse, descendants, or parents, complete 8 (and 9, if applicable).

8. The decedent did not leave surviving brothers or sisters. left the following brothers or sisters, either natural or adopted, whole blood or half blood, who were not adopted by others and who survived the decedent:

9. One or more of the brothers and sisters of the decedent died before him/her leaving descendants, either natural or adopted, who were not adopted by others and who survived the decedent. The names of these descendants, and the name(s) of their deceased ancestor are

If decedent was not survived by spouse, descendants, parent, brother, or sister or children of deceased brother or sister, complete 10 (and 11, if applicable).

10. The decedent did not leave surviving grandparents. left surviving grandparents (both maternal and paternal) named

11. Both maternal grandparents and/or both paternal grandparents died before decedent. Their surviving descendants and their relationships to the grandparents are

Maternal grandparents: _____

Paternal grandparents: _____

12. The following heirs listed above are under legal disability and are currently living. Their name(s), legal disability, and name(s) of their representative(s) are _____

13. The following deceased heirs survived the decedent by more than 120 hours. Their name(s) and the name(s) of those who represent decedent's interests are _____

14. The following persons identified above did not survive the decedent by 120 hours. Their names, relationships to decedent, and the date and time of their deaths are:

NAME	RELATION	DATE OF DEATH	TIME OF DEATH

15. The decedent left a will. All devisees are heirs. Some of the devisees named in the will or codicil are not heirs of the testator. (A supplemental testimony form is completed and attached.)

Signature

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Judge/Deputy register/Notary public Bar no.

Notary public, State of Michigan, County of _____

Attorney signature

Address

Name (type or print)

Bar no.

City, state, zip

Telephone no.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF _____

RENUNCIATION OF RIGHT TO APPOINTMENT,
NOMINATION OF PERSONAL
REPRESENTATIVE AND WAIVER OF NOTICE

FILE NO. _____

Estate of _____

- 1. I, _____, have a prior or equal right to appointment as personal representative.
Name (type or print)
- 2. I renounce that right.
- 3. I have the right to nominate and I nominate and request the appointment of _____ as personal representative.
Name (type or print)
- I renounce my right to nominate a qualified person to act as personal representative.
- 4. I waive notice of the appointment.

	_____ Date		_____ Signature
_____ Attorney name (type or print)	_____ Bar no.	_____ Address	_____ Address
_____ Address	_____ City, state, zip	_____ City, state, zip	_____ Telephone no.
_____ City, state, zip	_____ Telephone no.	_____ City, state, zip	_____ Telephone no.

NOTE: A person with priority as determined by a probated will, including a person nominated by a power conferred in the will, does not through this priority have the power to nominate another to be personal representative.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	REGISTER'S STATEMENT	FILE NO.
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Estate of _____

1. An application has been filed requesting
 - informal probate of the will of the above named decedent.
 - the appointment of a personal representative.
 - the previously administered estate be reopened.
 - appointment of a successor personal representative.
2. Upon consideration of the application, I determine that all of the following are true:
 - a. Venue is proper.
 - b. The application is complete and made in accordance with MCL 700.3301 or MCR 5.312.
 - c. The applicant appears to be an interested person.
 - d. An original, properly executed, and apparently unrevoked will dated _____ with codicil(s) dated _____ is in my possession.
 - An authenticated copy of the will and codicil(s) probated in _____ County _____ is offered for informal proceedings and documents establishing probate in another state are in my possession.
 - e. The application is not within MCL 700.3304 or MCR 5.144.
 - f. A will to which the requested appointment relates has been formally or informally probated.
 - g. The person whose appointment is sought has priority to the appointment, with or without appropriate nomination and/or renunciation.
 - The applicant gave notice of his/her intention to seek an informal appointment to each person having a prior or equal right to an appointment not waived in writing and filed with the court.
 - h. There is good cause to reopen the previously administered estate and appoint a personal representative. The estate was not closed under supervised administration.
3. The will dated _____ with codicils dated _____ is admitted to informal probate.
4. _____ is appointed
 - personal representative special personal representative successor personal representative
 - of the decedent's estate and upon filing a statement of acceptance, letters shall issue to that personal representative
 - without bond. upon filing a bond in the amount of \$ _____ .
 - After qualification, the personal representative shall comply with all relevant requirements under the law.
5. The application is denied because:
 - a personal representative has been appointed in this or another county of this state and continues to serve.
 - this or another will of the decedent has been the subject of a previous probate order.
 - the probate relates to one or more of a known series of testamentary instruments, the latest of which does not expressly revoke the earlier.
 - other:
6. The estate is reopened. Letters of authority expire _____ .

Date

Register

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

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**STATE OF MICHIGAN
PROBATE COURT
COUNTY OF**

ACCEPTANCE OF APPOINTMENT

FILE NO.

In the matter of _____

1. I have been appointed _____ of the person/estate.
Type of fiduciary

2. I accept the appointment, submit to personal jurisdiction of the court, and agree to file reports and to perform all required duties.

3. For a period of _____ days from the date of my appointment, I exclude from the scope of my responsibility the
not to exceed 91 days

following real estate or ownership interest in a business entity: _____
Describe real property or business interest

because I reasonably believe the real estate or other property owned by the business entity is or may be contaminated by a hazardous substance, or is or has been used in an activity directly or indirectly involving a hazardous substance that could result in liability to the estate or otherwise impair the value of property held by the estate.

Date

Signature

Attorney name (type or print) Bar no.

Name (type or print)

Attorney address

Address

City, state, zip Telephone no.

City, state, zip Telephone no.

Date of birth

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	FILE NO.
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Estate of _____

TO:

Name and address	Telephone no.
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You have been appointed and qualified as personal representative of the estate on _____ . You are authorized to perform all acts authorized by law unless exceptions are specified below. Date

- Your authority is limited in the following way:
 - You have no authority over the estate's real estate or ownership interests in a business entity that you identified on your acceptance of appointment.
 - Other restrictions or limitations are:

These letters expire: _____ .
Date

Date Judge (formal proceedings)/Register (informal proceedings) Bar no.

SEE NOTICE OF DUTIES ON SECOND PAGE

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

Date Deputy register

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The following provisions are mandatory reporting duties specified in Michigan law and Michigan court rules and are not the only duties required of you. See MCL 700.3701 through MCL 700.3722 for other duties. Your failure to comply may result in the court suspending your powers and appointing a special fiduciary in your place. It may also result in your removal as fiduciary.

CONTINUED ADMINISTRATION: If the estate is not settled within 1 year after the first personal representative's appointment, you must file with the court and send to each interested person a notice that the estate remains under administration, specifying the reasons for the continued administration. You must give this notice within 28 days of the first anniversary of the first personal representative's appointment and all subsequent anniversaries during which the administration remains uncompleted. If such a notice is not received, an interested person may petition the court for a hearing on the necessity for continued administration or for closure of the estate. [MCL 700.3703(4), MCL 700.3951(3), MCR 5.144, MCR 5.307, MCR 5.310]

DUTY TO COMPLETE ADMINISTRATION OF ESTATE: You must complete the administration of the estate and file appropriate closing papers with the court. Failure to do so may result in personal assessment of costs. [MCR 5.310]

CHANGE OF ADDRESS: You are required to inform the court and all interested persons of any change in your address within 7 days of the change.

Additional Duties for Supervised Administration

If this is a supervised administration, in addition to the above reporting duties, you are also required to prepare and file with this court the following written reports or information.

INVENTORY: You are required to file with the probate court an inventory of the assets of the estate within 91 days of the date your letters of authority are issued or as ordered by the court. You must send a copy of the inventory to all presumptive distributees and all other interested persons who request it. The inventory must list in reasonable detail all the property owned by the decedent at the time of death. Each listed item must indicate the fair market value at the time of the decedent's death and the type and amount of any encumbrance. Where the decedent's date of death is on or after March 28, 2013, the lien amount will be deducted from the value of the real property for purposes of calculating the inventory fee under MCL 600.871(2). If the value of any item has been obtained through an appraiser, the inventory should include the appraiser's name and address with the item or items appraised by that appraiser. You must also provide the name and address of each financial institution listed on your inventory at the time the inventory is presented to the court. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the personal representative. [MCL 700.3706, MCR 5.307, MCR 5.310(E)]

ACCOUNTS: You are required to file with this court once a year, either on the anniversary date that your letters of authority were issued or on another date you choose (you must notify the court of this date) or more often if the court directs, a complete itemized accounting of your administration of the estate. This itemized accounting must show in detail all income and disbursements and the remaining property, together with the form of the property. Subsequent annual and final accountings must be filed within 56 days following the close of the accounting period. When the estate is ready for closing, you are also required to file a final account with a description of property remaining in the estate. All accounts must be served on the required persons at the same time they are filed with the court, along with proof of service.

ESTATE (OR INHERITANCE) TAX INFORMATION: You are required to submit to the court proof that no estate (or inheritance) taxes are due or that the estate (or inheritance) taxes have been paid. **Note:** The estate may be subject to inheritance tax.

Additional Duties for Unsupervised Administration

If this is an unsupervised administration, in addition to the above reporting duties, you are also required to prepare and provide to all interested persons the following written reports or information.

INVENTORY: You are required to prepare an inventory of the assets of the estate within 91 days from the date your letters of authority are issued and to send a copy of the inventory to all presumptive distributees and all other interested persons who request it. The inventory must list in reasonable detail all the property owned by the decedent at the time of death. Each listed item must indicate the fair market value at the time of the decedent's death and the type and amount of any encumbrance. Where the decedent's date of death is on or after March 28, 2013, the lien amount will be deducted from the value of the real property for purposes of calculating the inventory fee under MCL 600.871(2). You are required within 91 days from the date your letters of authority are issued, to submit to the court the information necessary to calculate the probate inventory fee that you must pay to the probate court. You may use the original inventory for this purpose. [MCL 700.3706, MCR 5.307]

ESTATE (OR INHERITANCE) TAX INFORMATION: You may be required to submit to the court proof that no estate (or inheritance) taxes are due or that the estate (or inheritance) taxes have been paid. **Note:** The estate may be subject to inheritance tax.