

SMALL ESTATES – ASSIGNMENT OF PROPERTY

OVERVIEW

Michigan Law allows a Small Estate to be probated using an expedited process. The court will accept for filing any Wills and Codicils, but does not admit them to probate. In a Small Estate Proceeding, a personal representative is not appointed. The court issues an order assigning assets.

1. The decedent must have been a Berrien County resident or if not a Michigan resident, they must have property in Berrien County. There must not be an estate open in another state.
2. The total gross value of the estate (subtracting any funeral and burial expense whether paid or unpaid) cannot be more than the following (based on the date of death):

Date of Death	Amount
1/1/2014	\$22,000
1/1/2012	\$21,000
1/1/2009	\$20,000
1/1/2008	\$19,000
1/1/2006	\$18,000
1/1/2002	\$17,000
1/2/2001	\$16,000
10/1/1994	\$15,000
12/13/1984	\$5,000
7/1/1979	\$2,500
10/1/1972	\$1,500
8/28/1964	\$1,000
9/3/1949	\$500
9/10/1942	\$200

- a. Funeral and burial expenses are expenses directly connected with the funeral or memorial service and with the burial or cremation.
- b. If someone paid some or all of the funeral or burial expenses for the decedent, there must be a receipt from the funeral home indicating who paid and the amount paid.

3. A description and value must be given of all property within the decedent's estate. List all information about the asset that is available.
 - a. For bank accounts, show the name of the bank, the account number(s), and the balance.
 - b. For stocks and bonds, show the name of the corporation, number of shares, price per share, and total value.
 - c. For autos, trucks, boats, etc., include Year, Make, Model, VIN, and where value came from.
 - d. For real estate, list the complete legal description, along with the street address and where value of real estate came from (SEVx2). You must provide proof of value of home (such as copy of the tax bill).
 - e. The law explicitly requires the valuation to be on the gross value of the estate, and so any liens, encumbrances, mortgages, etc., should not be subtracted from the value.
4. You must list the heirs of the decedent. If the decedent left a surviving spouse, that spouse is an heir. If the decedent left any children, they are all heirs. If a child predeceased the decedent, then any children of that child are heirs. If the decedent left no spouse or children, then the parents are heirs. If the decedent's parents predeceased the decedent, then the brothers and sisters and issue (descendants) of predeceased brothers and sisters by right of representation are heirs.
5. The Assignment of Property is an expedited procedure. The statute is very strict on how a decedent's estate may be assigned.
 - a. The estate must be applied to pay any unpaid funeral or burial expenses to the funeral home, first.
 - b. Once unpaid funeral or burial expenses are paid, any individual or entities (including DHS) paying towards the funeral or burial expenses should be reimbursed. If the estate is less than the total amount paid by others, then the estate is to be pro-rated according to the percentage each individual or entity paid.
 - c. If the funeral home and anyone paying funeral or burial expenses have been reimbursed and there are still assets remaining, the remainder is to be assigned to the surviving spouse. If there is no surviving spouse, then the remainder is to be assigned to the decedent's heirs. If the heirs happen to be children or other descendants of the decedent, then the assets will be assigned such that each child (whether alive or predeceased) represents an equal share.
6. The Assignment of Property process may not be appropriate in cases where the bulk of the estate is made up of an automobile, household belongings, or real property and there are multiple individuals entitled to the property. If this is the case, you may wish to speak to an attorney.

WHAT MUST BE FILED

- Petition and Order for Assignment ([PC556](#))
 - Proof of value of real estate (if applicable)
- A copy of the Death Certificate
- A copy of the funeral/burial bill
 - Proof the funeral/burial bill paid in full and by whom
- File fee - \$25.00 (make checks payable to Berrien County Probate Court)
- Certified copy fee - \$12.00 (optional)
- Inventory fee – based on the gross value of the estate. You may call the court at 269-983-7111 extension 8365 to obtain the amount of the fee once you have determined the value of the estate
- File/Mail to: Berrien County Probate Court
811 Port St.
St. Joseph, MI 49085

**If you are in possession of the original Last Will and Testament and any Codicils, you must also drop this off to the Berrien County Probate Court ([MCL 700.2516](#))

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION AND ORDER FOR ASSIGNMENT	FILE NO.
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Estate of _____, decedent **XXX-XX-**
First, middle, and last name Last four digits of SSN

PETITION

I, _____, represent that:
Name and relationship

1. Decedent died on _____ .
Date

2. Decedent was a resident of _____ in this county.
City/Township

Decedent lived outside of Michigan and left an estate within this county to be administered.

3. The decedent's personal and real property, gross values, and lien amounts (if any) are listed below. The values of all property are calculated as of the decedent's date of death. *For real property only, if the date of death is on or after March 28, 2013, the gross value of a parcel can be reduced by any lien amount on that parcel; however the remaining inventory value of that parcel cannot be less than zero. For personal property, the gross value and inventory value are the same.

(Attach separate sheet if necessary.)

Legal description of real property	Gross value	Lien amount	Inventory value (less lien)*
Legal description of real property	Gross value	Lien amount	Inventory value (less lien)*
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Description of personal property	Gross value		Inventory value
Totals	Total Gross Value		Total Inventory Value

4. Funeral and burial expenses are \$ _____ .

The following persons have paid the following amounts toward the funeral and burial expenses: (Statements and receipts are attached.)

NAME	AMOUNT	NAME	AMOUNT

The amount of funeral and burial expenses remaining unpaid is \$ _____ .

The gross value of the decedent's property remaining after payment of funeral and burial expenses does not/will not exceed \$15,000 as adjusted annually for cost of living.

(SEE SECOND PAGE)

Do not write below this line - For court use only

5. The name and address of the surviving spouse or, if there is not a spouse, the name, age, relationship, and address of each of the decedent's heirs are as follows:

NAME	AGE	RELATIONSHIP	ADDRESS		
			Street address		
			City	State	Zip
			Street address		
			City	State	Zip

6. I REQUEST that the property listed above be assigned as follows:

- a. for funeral and burial expenses, \$ _____ to _____, \$ _____
Name
 to _____, and \$ _____ to _____.
Name
- b. to the surviving spouse, _____.
- c. to the following heirs in the stated proportions, _____.

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

 Attorney signature

 Name (type or print) Bar no.

 Address

 City, state, zip Telephone no.

 Date

 Petitioner signature

 Address

 City, state, zip Telephone no.

ORDER ASSIGNING ASSETS

IT IS ORDERED:

- 7. The property described above is assigned as follows:
 - a. for funeral and burial expenses, \$ _____ to _____, \$ _____
Name
 to _____, and \$ _____ to _____.
Name
 - b. to the surviving spouse, _____.
 - c. to the following heirs in the stated proportions, _____.

For 63 days from the date of this order, the share of each heir other than a surviving spouse or minor child shall be subject to any unsatisfied debt of the decedent up to the value of property received through this order.

8. The petition is denied. dismissed/withdrawn.

 Date

 Judge Bar no.

I certify that I have compared this copy with the original on file and that it is a correct copy of the original.

 Date

 Deputy register