

Jackson County Probate Court

312 S. Jackson St.
Jackson, MI 49201
Phone: 517-788-4290
Fax: 517-788-4291

Instructions for Application for Appointment of Successor Personal Representative

Completed paperwork must be legible and typed or written in ink. The Court is required by law to refuse any paperwork that is not legible.

Do NOT use this packet if the estate has been closed. In that event, you will need to petition to reopen the estate.

Fees

- Filing Fee - \$20.00
- Certified Copies of Letters of Authority (optional) - \$10.00 per certification and \$1.00 per page (usually totals \$11.00 per certified copy)
 - New letters will only be issued if your application is granted.

Fees cannot be returned if your application is denied.

Forms

Please read all instructions carefully. Below, you will find specific instructions for each form contained in the packet.

1. Application for Appointment of Successor Personal Representative (PC 620): Complete the entire form.
2. Fiduciary Proof of Identity: Complete this form with all requested information. The information required is the proposed personal representative's information. You must attach to the form a clear photo copy of the proposed personal representative's driver's license. Even if the proposed personal representative is eligible for appointment, Letters of Authority will not be issued unless this form is filed with the Court. This document is only used by the Court. It is not made available to the public.
3. Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice (PC 567): You only need to complete this form if someone other than the proposed personal representative has a greater or equal right to appointment, and that person is willing to waive his or her right to be appointed personal representative.
4. Register's Statement (PC 568): This form must be completed as much as possible in all cases. Please do not write anything for number 6, and do not sign the form.
5. Acceptance of Appointment (PC 571): This form must be completed in all cases. The form should be completed by the proposed personal representative. It indicates that person's willingness to serve in that capacity.

6. Letters of Authority for Personal Representative (PC 572): The top of this form must be completed in all cases. Do not fill in the date of appointment, expiration date, or sign the form. The second page details the duties of the personal representative. The proposed personal representative should read that page very carefully before agreeing to serve.

7. Proof of Service (PC 564): After all paperwork has been filed with the Court you are responsible for making copies of all documents filed with the Court (not including the Fiduciary Proof of Identity) and serving them on all of the interested parties. Service must be completed at least 14 days before the scheduled hearing if served by mail, or at least 7 days before the hearing if personally served.

After serving all of the interested parties, you must indicate on this form who was served, how they were served, and when they were served. The form is then filed with the Court. Failure to file the Proof of Service may result in dismissal or adjournment of your case.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF _____

APPLICATION FOR
APPOINTMENT OF SUCCESSOR
PERSONAL REPRESENTATIVE
(ESTATE NOT CLOSED)

FILE NO. _____

Estate of _____

1. I am interested in this estate as _____.

2. a. _____, appointed personal representative of the estate,
Name
 died on _____, is now subject to a conservatorship,
and his/her appointment is terminated. (A copy of the certificate of death or letters of conservatorship is attached.)

b. _____, personal representative of the estate, has executed a
Name
written statement of resignation and it is attached to this application. already on file in this court.

3. I adopt the statements in the application or petition that led to the appointment of the current personal representative, except as specifically changed or corrected as follows: (Attach separate sheet if necessary.) _____

4. I have priority to be appointed and/or to nominate a qualified person to act as a successor personal representative as follows:

5. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition except as follows: (For each person whose address changed, list the name and new address; attach separate sheet if necessary.)

6. It is necessary that a successor personal representative be appointed to continue and complete administration of the estate.

7. Pending the appointment of a successor personal representative, it is necessary that a special personal representative be appointed in place of the personal representative who is deceased or under a conservatorship. A special personal representative should be appointed because _____.

8. I REQUEST that _____, residing at _____
Name Address
_____, or some other suitable person, be appointed
City State Zip
successor personal representative in place of the personal representative whose appointment has been terminated.

(SEE SECOND PAGE)

Do not write below this line - For court use only

9. I REQUEST that _____, residing at _____
Name Address
_____, or some other suitable person, be appointed
City State Zip
special 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.

Attorney signature

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

Date

Applicant signature

Applicant name (type or print)

Address

City, state, zip Telephone no.

FIDUCIARY PROOF OF IDENTITY

(To be completed by all fiduciaries)

PLEASE TYPE OR PRINT LEGIBLY

File Name: _____ File No. _____

Full Name of Fiduciary DOB _____ DL# _____

Home Address Own Rent Home Phone (including area code) _____

City/State/ZIP Work Phone (including area code) _____

YOU MUST ATTACH A LEGIBLE COPY OF YOUR DRIVER'S LICENSE

Occupation Work Address _____

Employer Name City/State/ZIP _____

Banking Institution Address of Bank Branch _____

Banking Institution Address of Bank Branch _____

Personal Reference:

Name Address _____

Phone (including area code) City/State/ZIP _____

This document is for Court use only and will NOT be part of the public record.

| | | |
|---|--|----------|
| STATE OF MICHIGAN PROBATE COURT COUNTY OF JACKSON | 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.

| | | | |
|-------------------------------|---------------|------------------|---------------|
| _____ | | _____ | |
| Attorney name (type or print) | Bar no. | Signature | Date |
| _____ | | _____ | |
| Address | | Address | |
| _____ | | _____ | |
| 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 JACKSON | REGISTER'S STATEMENT | FILE NO. |
|---|----------------------|----------|

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 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. |

Do not write below this line - For court use only

| | | |
|---|----------------------------------|---------------------------|
| STATE OF MICHIGAN PROBATE COURT COUNTY | ACCEPTANCE OF APPOINTMENT | CASE NO. and JUDGE |
|---|----------------------------------|---------------------------|

Court address _____ Court telephone no. _____

In the matter of _____
First, middle, and last name

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
not to exceed 91 days
the 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.

Put DOB in Ref. No. row 1 on MC 97a.
Date of birth

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

LETTERS OF AUTHORITY FOR
PERSONAL REPRESENTATIVE

FILE NO.

Estate of _____

TO:

Name and address

Telephone no.

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.

| | | |
|---|------------------|----------|
| STATE OF MICHIGAN PROBATE COURT COUNTY OF JACKSON | PROOF OF SERVICE | FILE NO. |
|---|------------------|----------|

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.

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