

Public Policy Position
In Re Estate of Jennifer L. Fowler, MSC No. 167801

The Probate & Estate Planning Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,448 members. The Probate & Estate Planning Section is not the State Bar of Michigan and the position expressed herein is that of the Probate & Estate Planning Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Probate & Estate Planning Section has a public policy decision-making body with 23 members. On March 13, 2026, the Section adopted its position after a discussion and vote at a scheduled meeting. 18 members voted in favor of the Section's position, 0 members voted against this position, 1 member abstained, 4 members did not vote.

The Probate & Estate Planning Section authorizes the filing of an amicus curiae brief in In Estate of Jennifer L. Fowler, MSC No. 167501.

Explanation:

The Probate & Estate Planning Section authorizes the filing of an amicus curiae brief advocating that (1) the Supreme Court's first question is a factual one and Council takes no position as to when the assets were transferred to the trust; (2) Section 7605(1) does indeed apply to assets received post-death into a revocable living trust that became irrevocable upon death, as inherently discussed in our amicus brief, and more specifically, because the language of both 7605(1) and 7506(1)(b) limit the term "trust" based on revocability but do not discuss or limit application of those statutes based on when the trust received the property at issue; and (3) if found otherwise, Section 7506(1)'s application would be governed by (1)(b) - which mirrors the application of 7605(1) - instead of (c), which applies to trusts that were irrevocable when created; otherwise, (1)(b) would have no meaning.

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