Agendas & Attachments for

- Meeting of the Committee on Special Projects (CSP); and
- Meeting of the Council of the Probate and Estate Planning Section

Saturday, January 17, 2015
9:00 a.m.
University Club
Lansing, Michigan
Probate and Estate Planning Section of the State Bar of Michigan

Notice of Meetings

Meeting of the Section's Committee on Special Projects (CSP)

and

Meeting of the Council of the Probate and Estate Planning Section

January 17, 2015
9:00 a.m.
University Club
3435 Forest Road
Lansing, Michigan 48910

The above stated meetings of the Section will be held at the MSU University Club, 3435 Forest Road, Lansing, Michigan, Saturday, January 17, 2015. The Section's Committee on Special Projects (CSP) meeting will begin at 9:00 a.m., followed immediately by the meeting of the Council of the Section. If time allows and at the discretion of the Chair, we will work further on CSP materials after the Council of the Section meeting concludes.

Marlaine C. Teahan
Secretary

Fraser Trebilcock
124 West Allegan Street, Suite 1000
Lansing MI 48933
Phone: (517) 377-0869
Fax: (517) 482-0887
e-Mail: mteahan@fraserlawfirm.com
CSP and Council Meetings of the
Probate and Estate Planning Section
of the
State Bar of Michigan

Schedule and Location of Future Meetings

All meetings will be held at the
University Club, 3435 Forest Road, Lansing, Michigan 48910

Meetings begin at 9:00 a.m.
unless otherwise noted on the Meeting Notice

The following is a list of the remaining meetings for 2014-15:

February 14, 2015
March 14, 2015
April 11, 2015
June 13, 2015
September 12, 2015 (Annual Section Meeting)
CALL FOR MATERIALS
CSP and Council Meetings of the
Probate and Estate Planning Section
of the
State Bar of Michigan

All materials are due on or before 5 p.m. on the Thursday falling 10 days before the next Council meeting. Committee Chairs should typically plan to hold monthly committee meetings before the due dates listed below so that these deadlines can be met.

CSP materials are to be sent to Chris Ballard, Chair of the Committee on Special Projects (cballard@honigman.com).

Council materials are to be sent to Marlaine C. Teahan, Secretary of the Section (mteahan@fraserlawfirm.com).

Schedule of due dates for materials – by 5 p.m.
February 5, 2015
March 5, 2015
April 2, 2015
June 4, 2015
September 3, 2015 (Annual Section Meeting)
### Officers for 2014-2015 Term

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Amy N. Morrissey</td>
</tr>
<tr>
<td>Chairperson Elect</td>
<td>Shaheen I. Imami</td>
</tr>
<tr>
<td>Vice Chairperson</td>
<td>James B. Steward</td>
</tr>
<tr>
<td>Secretary</td>
<td>Marlaine C. Teahan</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Lentz, Marguerite Munson</td>
</tr>
</tbody>
</table>

### Council Members for 2014-2015 Terms

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Year elected to current term (partial, first or second full term)</th>
<th>Current term expires</th>
<th>Eligible after Current term?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ard, W. Josh.</td>
<td>2012 (2nd term)</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td>Ouellette, Patricia M.</td>
<td>2012 (2nd term)</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td>Spica, James P.</td>
<td>2012 (2nd term)</td>
<td>2015</td>
<td>No</td>
</tr>
<tr>
<td>Clark-Kreuer, Rhonda M.</td>
<td>2012 (1st term)</td>
<td>2015</td>
<td>Yes (1 term)</td>
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<tr>
<td>Lucas, David P.</td>
<td>2012 (1st term)</td>
<td>2015</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Skidmore, David L.J.M.</td>
<td>2012 (1st term)</td>
<td>2015</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Brigman, Constance L.</td>
<td>2010 (2nd term)</td>
<td>2016</td>
<td>No</td>
</tr>
<tr>
<td>Allan, Susan M.</td>
<td>2010 (2nd term)</td>
<td>2016</td>
<td>No</td>
</tr>
<tr>
<td>Mills, Richard C.</td>
<td>2014 (1st partial term)</td>
<td>2016</td>
<td>Yes (2 terms)</td>
</tr>
<tr>
<td>Marquart, Michele C.</td>
<td>2013 (1st term)</td>
<td>2016</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>New, Lorraine F.</td>
<td>2013 (1st term)</td>
<td>2016</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Vernon, Geoffrey R.</td>
<td>2013 (1st term)</td>
<td>2016</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Ballard, Christopher A.</td>
<td>2014 (2nd term)</td>
<td>2017</td>
<td>No</td>
</tr>
<tr>
<td>Bearup, George F.</td>
<td>2014 (2nd term)</td>
<td>2017</td>
<td>No</td>
</tr>
<tr>
<td>Welber, Nancy H.</td>
<td>2014 (2nd term)</td>
<td>2017</td>
<td>No</td>
</tr>
<tr>
<td>Jaconette, Hon Michael L.</td>
<td>2014 (1st term)</td>
<td>2017</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Kellogg, Mark E.</td>
<td>2014 (1st term)</td>
<td>2017</td>
<td>Yes (1 term)</td>
</tr>
<tr>
<td>Malviya, Raj A.</td>
<td>2014 (1st term)</td>
<td>2017</td>
<td>Yes (1 term)</td>
</tr>
</tbody>
</table>
**Ex Officio Members**

John E. Bos  
Robert D. Brower, Jr.  
Douglas G. Chalgian  
George W. Gregory  
Henry M. Grix  
Mark K. Harder  
Hon. Philip E. Harter  
Dirk C. Hoffius  
Brian V. Howe  
Raymond T. Huetteman, Jr.  
Stephen W. Jones  
Robert B. Joslyn  
James A. Kendall  
Kenneth E. Konop  
Nancy L. Little  
James H. LoPrete

Richard C. Lowe  
John D. Mabley  
John H. Martin  
Michael J. McClory  
Douglas A. Mielock  
Russell M. Paquette  
Patricia Gormely Prince  
Douglas J. Rasmussen  
Harold G. Schuitmaker  
John A. Scott  
Fredric A. Sytsma  
Thomas F. Sweeney  
Lauren M. Underwood  
W. Michael Van Haren  
Susan S. Westerman  
Everett R. Zack
Probate & Estate Planning Section Committees 2014-2015

Budget Committee
Mission: To develop the annual budget and to alert the Council to revenue and spending trends

Marlaine C. Teahan, Chair
Marguerite Munson Lentz
James B. Steward

Bylaws Committee
Mission: To review the Section Bylaws and recommend changes to ensure compliance with State Bar requirements, best practices for similar organizations and assure conformity of the Bylaws to current practices and procedures of the Section and the Council

Nancy H. Welber, Chair
Christopher A. Ballard
David P. Lucas

Planning Committee
Mission: To periodically review and update the Section’s Strategic Plan and to annually prepare and update the Council’s Biennial Plan of Work

Shaheen I. Imami, Chair

Nominating Committee Mission: To annually nominate candidates to stand for election as the officers of the Section and members of the Council

George W. Gregory, Chair
Mark K. Harder
Thomas F. Sweeney

Annual Meeting
Mission: To arrange the annual meeting at a time and place and with an agenda to accomplish all necessary and proper annual business of the Section

Shaheen I. Imami

Awards Committee
Mission: To periodically award the Michael Irish Award to a deserving recipient and to consult with ICLE concerning periodic induction of members in the George A. Cooney Society

Douglas A. Mielock, Chair
Robert D. Brower, Jr.
George W. Gregory
Phillip E. Harter
Nancy L. Little
Amy N. Morrissey

Committee on Special Projects
Mission: The Committee on Special Projects is a working committee of the whole of the Section that considers and studies in depth a limited number of topics and makes recommendations to the Council of the Section with respect to those matters considered by the Committee. The duties of the Chair include setting the agenda for each Committee Meeting, and in conjunction with the Chair of the Section, to coordinate with substantive Committee chairs the efficient use of time by the Committee

Christopher A. Ballard, Chair

12-8-14
Legislation Committee
Mission: In cooperation with the Section’s lobbyist, to bring to the attention of the Council recent developments in the Michigan legislature and to further achievement of the Section’s legislative priorities, as well as to study legislation and recommend a course of action on legislation not otherwise assigned to a substantive committee of the Section

William J. Ard, Chair
Christopher A. Ballard
Georgette E. David
Mark E. Kellogg
Sharri L. Rolland Phillips
Harold G. Schuitmaker

Amicus Curiae Committee
Mission: To review requests made to the Section to file, and to identify cases in which the Section should file, amicus briefs in pending appeals and to engage and oversee the work of legal counsel retained by the Section to prepare and file its amicus briefs

David L. Skidmore, Chair
Kurt A. Olson
Patricia M. Ouellette
Nazneen H. Syed
Nancy H. Welber

Probate Institute
Mission: To consult with ICLE in the planning and execution of the Annual Probate and Estate Planning Institute

James B. Steward

State Bar and Section Journals Committee
Mission: To oversee the publication of the Section’s Journal and periodic theme issues of the State Bar Journal that are dedicated to probate, estate planning, and trust administration

Richard C. Mills, Chair
Nancy L. Little, Managing Editor
Melisa M. W. Mysliwiec, Assoc. Editor

Citizens Outreach Committee
Mission: To provide for education of the public on matters related to probate, estate planning, and trust administration, including the publication of pamphlets and online guidance to the public, and coordinating the Section’s efforts to educate the public with the efforts of other organizations affiliated with the State Bar of Michigan

Constance L. Brigman, Chair
Kathleen M. Goetsch
Michael J. McClory
Neal Nusholtz
Michael L. Rutkowski
Rebecca A. Schnelz, (Liaison to Solutions on Self-help Task Force)
Nancy H. Welber
Melisa M. W. Mysliwiec
Electronic Communications Committee

Mission: To oversee all forms of electronic communication with and among members of the Section, including communication via the Section’s website, the Section listserv, and the ICLE Online Community site, to identify emerging technological trends of importance to the Section and its members, and to recommend to the council best practices to take advantage of technology in carrying out the section’s and Council’s mission and work.

William J. Ard, Chair
Stephen J. Dunn
Phillip E. Harter
Nancy L. Little
Amy N. Morrissey
Jeanne Murphy (Liaison to ICLE)
Neal Nusholtz
Michael L. Rutkowski
Serene K. Zeni

Unauthorized Practice of Law and Multidisciplinary Practice Committee

Mission: To help identify the unauthorized practices of law, to report such practices to the appropriate authorities and to educate the public regarding the inherent problems relying on non-lawyers

Patricia M. Ouellette, Chair
William J. Ard
Raymond A. Harris
J. David Kerr
Robert M. Taylor
Amy Rombyer Tripp

Ethics Committee

Mission: To consider and recommend to the Council action with respect to the Michigan Rules of Professional Conduct and their interpretation, application, and amendment

David P. Lucas, Chair
William J. Ard
J. David Kerr
Robert M. Taylor

Court Rules, Procedures and Forms Committee

Mission: To consider and recommend to the Council action with respect to the Michigan Court Rules and published court forms, and the interpretation, use, and amendment of them

Michele C. Marquardt, Chair
(J Liaison to SCAO for Estates & Trusts Workgroup)
James F. ("JV") Anderton
Constance L. Brigman (Liaison to SCAO for Guardianship, Conservatorship, and Protective Proceedings Workgroup)
Rhonda M. Clark-Kreuer
Phillip E. Harter
Michael D. Holmes
Shaheen I. Imami
Hon. Michael L. Jaconette
Hon. David M. Murkowski
Rebecca A. Schnelz (Liaison to SCAO for Mental Health/Commitment Workgroup)

David L. Skidmore
Probate & Estate Planning Section Committees 2014-2015

**Updating Michigan Law Committee**

*Mission: To review, revise, communicate and recommend Michigan's trusts and estates law with the goal of achieving and maintaining leadership in promulgating probate laws in changing times*

Geoffrey R. Vernon, Chair  
Robert P. Tiplady, II, Vice Chair  
Susan M. Allan  
Howard H. Collins  
Georgette E. David  
Shawn P. Eyestone  
Mark K. Harder  
Raymond A. Harris  
Shaheen I. Imami  
Robert B. Labe  
Henry P. Lee  
Marguerite Munson Lentz  
Michael G. Lichterman  
Raj A. Malviya  
Nathan R. Piwowarski  
James P. Spica

**Artificial Reproductive Technology Ad Hoc Committee**

*Mission: To review the 2008 Uniform Probate Code Amendments for possible incorporation into EPIC with emphasis on protecting the rights of children conceived through assisted reproduction*

Nancy H. Welber, Chair  
Christopher A. Ballard  
Keven DuComb  
Robert M. O'Reilly  
Lawrence W. Waggoner

**Insurance Ad Hoc Committee**

*Mission: To recommend new legislation related to insurability and the administration of irrevocable life insurance trusts*

Geoffrey R. Vernon, Chair  
Stephen L. Elkins  
Mark K. Harder  
James P. Spica  
Joseph D. Weiler, Jr.

**Membership Committee**

*Mission: To strengthen relations with Section members, encourage new membership, and promote awareness of and participation in Section activities*

Raj A. Malviya, Chair  
Christopher J. Caldwell  
Nicholas R. Dekker  
Daniel A. Kosmowski  
Katie Lynwood  
Julie A. Paquette  
Nicholas A. Reister  
Marlaine C. Teahan  
Joseph J. Viviano

**Real Estate Committee**

*Mission: To recommend new legislation related to real estate matters of interest and concern to the Section and its members*

George F. Bearup, Chair  
Jeffrey S. Ammon  
William J. Ard  
Stephen J. Dunn  
David S. Fry  
Mark E. Kellogg  
J. David Kerr  
Michael G. Lichterman  
David P. Lucas  
Katie Lynwood  
Douglas A. Mielock  
Melisa M. W. Mysliwiec  
James T. Ramer  
James B. Steward

**Transfer Tax Committee**

*Mission: To monitor developments concerning Federal and State transfer taxes and to recommend appropriate actions by the Section in response to developments or needs*

Lorraine F. New, Chair  
Robert B. Labe  
Marguerite Munson Lentz  
Geoffrey R. Vernon  
Nancy H. Welber

12-8-14
Guardianship, Conservatorship, and End of Life Committee
Mission: To monitor the need for and make recommendations with respect to statutory and court rule changes in Michigan related to the areas of legally incapacitated individuals, guardianships, and conservatorships

Rhonda M. Clark-Kreuer, Chair
Katie Lynwood, Vice Chair
William J. Ard
Michael W. Bartnik
Raymond A. Harris
Phillip E. Harter
Michael J. McClory
Richard C. Mills
Kurt A. Olson
James B. Steward

Charitable and Exempt Organization Committee
Mission: To educate the Section about charitable giving and exempt organizations and to make recommendations to the Section concerning Federal and State legislative developments and initiatives in the fields of charitable giving and exempt organizations

Lorraine F. New, Chair
Christopher A. Ballard
Michael W. Bartnik
William R. Bloomfield
Robin D. Ferriby
Richard C. Mills

Specialization and Certification Ad Hoc Committee
Mission: To make recommendations to the Section with respect to the creation and implementation of a program that recognizes specialization and certification of specialization in the fields of probate, estate planning, and trust administration

James B. Steward, Chair
William J. Ard
Wendy Parr Holtvluwer
Patricia M. Ouellette
Sharri L. Rolland Phillips
Daniel D. Simjanovski
Richard J. Siriani
Serene K. Zeni

Fiduciary Exception to Attorney Client Privilege Ad Hoc Committee
Mission: To review the statutes, case law, and court rules of Michigan and other jurisdictions concerning the scope of the Attorney Client Privilege for communications between trustees and their counsel and if necessary or appropriate, to recommend changes to Michigan law in this area

George F. Bearup, Chair
Kalman G. Goren
Shaheen I. Imami
David G. Kovac
Michael J. McClory
David L. Skidmore
Serene K. Zeni

Alternative Dispute Resolution Section Liaison
vacant
Business Law Section Liaison
Mission: The liaison to the Business Law Section of the State Bar of Michigan is responsible for developing and maintaining bilateral communication between the Section and the Business Law Section on matters of mutual interest and concern

John R. Dresser

Law Schools Liaison
Mission: The Law Schools Liaison is responsible for developing and maintaining bilateral communication between the Section and the law schools located in the State of Michigan in matters of mutual interest and concern

William J. Ard

Elder Law and Disability Rights Section Liaison
Mission: The liaison to the Elder Law and Disability Rights Section of the State Bar of Michigan is responsible for developing and maintaining bilateral communication between the Section and the Elder Law Section on matters of mutual interest and concern

Amy Rombyer Tripp

Master Lawyers Section Liaison
Mission: The liaison to the Master Lawyers Section of the State Bar of Michigan is responsible for developing and maintaining bilateral communication between the Section and the Master Lawyers Section on matters of mutual interest and concern

J. David Kerr

Family Law Section Liaison
Mission: The liaison to the Family Law Section of the State Bar of Michigan is responsible for developing and maintaining bilateral communication between the Section and the Family law Section on matters of mutual interest and concern

Patricia M. Ouellette

Michigan Bankers Association Liaison
Mission: The liaison to the Michigan Bankers Association is responsible for developing and maintaining bilateral communication between the Section and the Michigan Bankers Association in matters of mutual interest and concern

Susan M. Allan

ICLE Liaison
Mission: The liaison to ICLE is responsible for developing and maintaining bilateral communication between the Section and the Institute for Continuing Legal Education

Jeanne Murphy

Probate Judges Association Liaisons
Mission: The liaisons to the MPJA are responsible for developing and maintaining bilateral communication between the Section and the MPJA on matters of mutual interest and concern

Hon. David M. Murkowski
Hon. Michael L. Jaconette
Probate Registers Liaison
*Mission: The liaison to the Michigan Probate and Juvenile Registers Association is responsible for developing and maintaining bilateral communication between the Section and the Probate and Juvenile Registers Association on matters of mutual interest and concern*

Rebecca A. Schnelz

SCAO Liaisons
*Mission: The liaisons to SCAO are responsible for developing and maintaining communications between the Section and SCAO on matters of mutual interest and concern*

Constance L. Brigman
Michele C. Marquardt
Rebecca A. Schnelz

Solutions on Self-help Task Force Liaison
*Mission: The liaison to the Solutions on Self-help (SOS) Task force is responsible for maintaining bilateral communications between the Section and the Task Force*

Rebecca A. Schnelz

State Bar Liaison
*Mission: The liaison to the State Bar is responsible for maintaining bilateral communication between the Section and the larger State Bar of Michigan, including the Board of Commissioners and staff of the State Bar*

Richard J. Siriani

Taxation Section Liaison
*Mission: The liaison to the Taxation Section of the State Bar of Michigan is responsible for developing and maintaining bilateral communication between the Section and the Taxation Section on matters of mutual interest and concern*

George W. Gregory
Michael W. Irish Award

Mission: To honor a practitioner (supported by recommendations from his or her peers) whose contributions to the Probate and Estate Planning Section of the State Bar of Michigan and whose service to his or her community reflect the high standards of professionalism and selflessness exemplified by Michael W. Irish.

Recipients
1995 Joe C. Foster, Jr.
1996 John H. Martin
1997 Harold A. Draper
1998 Douglas J. Rasmussen
1999 James A. Kendall
2000 NO AWARD PRESENTED
2001 John E. Bos
2002 Everett R. Zack
2003 NO AWARD PRESENTED
2004 Brian V. Howe
2005 NO AWARD PRESENTED
2006 Hon. Phillip E. Harter
2007 George Cooney (April 3, 2007)
2008 Susan A. Westerman
2009 Russell M. Paquette (posthumously)
2010 Fredric A. Sytsma
2011 John A. Scott
2012 NO AWARD PRESENTED
2013 Michael J. McClory
2014 Sebastian V. Grassi, Jr.

The Michael W. Irish Award was first presented in 1995 in honor of the late Michael W. Irish. The award reflects the professionalism and community leadership of its namesake.
The George A. Cooney Society

What: This award is presented by the Institute of Continuing Legal Education and the Probate & Estate Planning Section of the State Bar of Michigan to a Michigan estate planning attorney for outstanding contributions to continuing legal education in Michigan.

Who: As of November 2014, there have been four recipients:

- John E. Bos (2007)
- Everett R. Zack (2009)
- John H. Martin (2011)
- John A. Scott (2013)

When: This award is not necessarily given every year. So far we’ve given awards in 2007, 2009, 2011, and 2013.

Where: The award is presented at the Annual Probate & Estate Planning Institute. ICLE will invite the recipient to attend the Institute, and one of the Section officers will present the individual award at the start of the Institute.

Why: With George Cooney’s passing, the State Bar of Michigan lost one of its premier estate planning and elder law attorneys. The Section and ICLE have chosen to jointly create the George A. Cooney Society to recognize a select group of lawyers who epitomize George’s dedication to his fellow attorneys and in recognition of his long-term, significant contributions to continuing legal education in Michigan.

How: ICLE will nominate candidates based upon the specific criteria contained in the Guidelines for Selection and will send a nominating letter to the Section for approval by the Executive Board. The Section’s leadership and at-large members may also recommend candidates to ICLE for consideration.

Guidelines for Selection:

- Significant CLE contributions to probate and estate planning over a substantial period of time.
- Outstanding quality of contributions.
- A wide range of contributions, e.g. multiple contributions for the following: speaker, author, editor, advisory board member, curriculum advisor, creating case study scenarios, preparing Top Tips, How-To Kits or other online resources, etc.
- Generous mentorship and assistance to colleagues with their probate and estate planning career development as well as activities and active involvement with the Probate & Estate Planning Section of the State Bar of Michigan.
Probate and Estate Planning Council
Committee on Special Projects Agenda

January 17, 2015

9:00 a.m.

1. Insurance Committee – Geoffrey Vernon
   Proposed MCL 700.1513
   Exculpation of trustees of life insurance trusts from liabilities related to
   the administration of policies held in the trust
   Proposed statute [Exhibit A]

2. Updating Michigan Law Committee – Geoffrey Vernon
   Proposed tenancy by the entireties statutes
   MCL 554.44, 554.45 [Exhibit B-1]
   MCL 557.151 (current) [Exhibit B-2]
   MCL 557.151 (replacement) [Exhibit B-3]
   MCL 557.101, 557.102, 565.48, 565.49 [Exhibit B-4]
   MCL 600.2807 [Exhibit B-5]
   MCL 600.6023a [Exhibit B-6]
   MCL 700.2801, 700.2806, 700.2114, 700.2519 [Exhibit B-7]
   MCL 700.7509 [Exhibit B-8]

NOTE: MCL 557.151 replacement version (Exhibit B-3) is
new. All other attached documents, related to the
proposed tenancy by the entireties statutes, have been
previously included in the December 2014 materials
without revision.
700.1513  Duties of a trustee with respect to the acquisition, retention, or ownership of a life insurance policy

Sec. 1513  (1)  Notwithstanding any other provision of the Michigan prudent investor rule and, except as otherwise provided in the terms of the trust, the duties of a trustee with respect to the acquisition, retention, or ownership of a life insurance policy as a trust asset do not include any of the following duties:

   (a) Determine whether the trustee or trust beneficiaries have an insurable interest in the insured in accordance with the provisions of MCL 700.7114.

   (b) Determine whether any life insurance policy is or remains a proper trust investment.

   (c) Investigate the financial strength or changes in the financial strength of the life insurance company issuing or maintaining the policy.

   (d) Inquire about changes in the health or financial condition of the insured under the policy.

   (e) Diversify the investment in the policy relative to any other life insurance policies or any other trust assets.

   (f) Pay or not pay policy premiums unless there is sufficient cash or other readily marketable assets held by the trust that were designated for this purpose by the settlor or a third party.

   (g) Exercise or not exercise any option available under the policy regardless of whether the exercise or nonexercise results in the lapse or termination of the policy.

(2) A trustee is not liable to the beneficiaries of the trust or any other person for any loss sustained with respect to a life insurance policy to which this section applies.

(3) Unless otherwise provided in the terms of the trust, this section does not apply to a trustee (or an affiliate of a trustee) who received any commission or other payment from the issuer of a life insurance policy issued to the trust.

(4) A trustee of the trust, the attorney or attorneys who drafted the terms of the trust, and any person who was consulted with regard to the creation of the trust, in the absence of fraud, is not liable to the beneficiaries of the trust or to any other person for any loss arising from or attributable to the absence of the duties specified in this section.

(5) Except as otherwise provided in the terms of the trust, this section applies to a trust established before, on, or after [the effective date of this section] and to a life insurance policy acquired, retained, or owned by a trustee before, on, or after such date.
EXHIBIT B-1
554.44 Land
Real property conveyance to two or more persons; estate created.

Sec. 44.

All grants and devises of land real property, made to 2 or more persons, except as provided in the following section, shall be construed to create estates in common, and not in joint tenancy, unless expressly declared to be in joint tenancy.

554.45 Land
Real property conveyance; exceptions to preceding section.

Sec. 45.

The preceding section shall not apply to mortgages, nor to devises or grants made in trust, or made to executors personal representative, or to husband an individual and wife his or her spouse.
EXHIBIT B-2
§ 557.151. Evidence of indebtedness payable to husband and wife; ownership in joint tenancy.

Michigan Statutes

Chapter 557. PROPERTY OF HUSBAND AND WIFE

JOINT OWNERSHIP OF PERSONAL PROPERTY IN JOINT TENANCY

Current through P.A. 418 of the 2014 Legislative Session

§ 557.151. Evidence of indebtedness payable to husband and wife; ownership in joint tenancy

All bonds, certificates of stock, mortgages, promissory notes, debentures, or other evidences of indebtedness hereafter made payable to persons who are husband and wife, or made payable to them as endorsees or assignees, or otherwise, shall be held by such husband and wife in joint tenancy unless otherwise therein expressly provided, in the same manner and subject to the same restrictions, consequences and conditions as are incident to the ownership of real estate held jointly by husband and wife under the laws of this state, with full right of ownership by survivorship in case of the death of either.

Cite as MCL 557.151

EXHIBIT B-3
Tenancy by Entireties in Real and Personal Property

Sec. 1
An individual and his or her spouse may own real property (or any interest in real property) as tenants by the entireties. All real property held by an individual and his or her spouse shall be presumed to be held by the individual and his or her spouse as tenants by the entireties, unless the deed or other instrument of conveyance expressly provides for some other form of joint ownership. It is the intent of the legislature that this subsection be a codification of the common law of this state in effect before the effective date of the act that added this subsection.

Sec. 2
After [effective date], an individual and his or her spouse may own any kind of tangible or intangible personal property (or any interest in tangible or intangible personal property) as tenants by the entireties. All tangible and intangible personal property transferred to or acquired by an individual and his or her spouse after [effective date] shall be presumed to be held by the individual and his or her spouse as tenants by the entireties unless the instrument of conveyance or the title of the tangible or intangible personal property expressly provides for some other kind of joint ownership.

Sec. 3
The term "tenants by the entireties" shall mean the same as "tenants by the entirety".

Sec. 4
Nothing in this section is intended to alter the rights, restrictions, consequences, and conditions of an individual and his or her spouse holding property as tenants by the entireties, including the full right of survivorship in case of the death of either.

Sec. 5
Subsection 2 of this section shall be effective on [effective date].

Sec 6
Act 212 of 1927, MCL 557.151, is repealed on [effective date]. Nothing in this act shall affect the application of MCL 557.151 to personal property transferred to or acquired by an individual and his or her spouse prior to [effective date] or held by an individual and his or her spouse as tenancy by the entireties on the [effective date].
TERMINATION OF TENANCIES BY ENTIRETY (EXCERPT)
Act 210 of 1927

557.101 Tenancy by entirety; termination.

Sec. 1.

In all cases where a person an individual and his or her spouse own any interest in land real property as tenants by the entirety, such tenancy by the entirety may be terminated by a conveyance from either one to the other of his or her interest in the land real property so held.

557.102 Act declaratory of common law.

Sec. 2.

This act shall be deemed to be declaratory of the common law as heretofore existing in this state.

565.49 Conveyances; same person or persons among grantors and grantees; joint joint tenancy, tenancy by entireties.

Sec. 49.

Conveyances in which the grantor or 1 or more of the grantors are named among the grantees therein shall have the same force and effect as they would have if the conveyance were made by a grantor or grantors who are not named among the grantees. Conveyances expressing an intent to create a joint joint tenancy or tenancy by the entireties in the grantor or grantors together with the grantee or grantees shall be effective to create the type of ownership indicated by the terms of the conveyance.

565.48 Deed by surviving joint tenant of land real property; recording; certified copy of death.

Sec. 48.

No deed or other instrument in writing, purporting to convey an interest in land real property by the survivor or survivors under a deed to joint tenants or tenants by the entirety shall be recorded by the register of deeds of any county, unless, for each joint tenant or tenant by the entirety who is therein indicated to be deceased, a certified copy of the death certificate or other proof of death which is permitted by the laws of this state to be received for record by said register, is shown to have been recorded in said register's office by liber and page reference or shall accompany such deed for record.
EXHIBIT B-5
§ 600.2807. Property owned as tenants by the entirety; priority; exceptions; sale or refinance of property subject to judgment lien; limitation on proceeds

(1) A judgment lien does not attach to an interest in real or personal property owned as tenants by the entirety (including tenants by the entirety property held by a trustee pursuant to MCL 700.7509) unless the underlying judgment is entered against both spouses.

(2) With the following exceptions, a judgment lien has priority over a lien recorded with the register of deeds after the notice of judgment lien is recorded:

   (a) A purchase money mortgage.
   (b) A mortgage to the extent that proceeds of the mortgage are used to pay 1 or more of the following:
       (i) Purchase money mortgage debt.
       (ii) A subsequent refinancing of purchase money mortgage debt.
       (iii) A nonpurchase money mortgage recorded before attachment of the judgment lien.
   (c) A lien that secures an advance made under a previously recorded future-advance mortgage.
   (d) A lien that has or acquires priority by operation of law.
   (e) A claim of lien recorded with the register of deeds under section 111 of the construction lien act, 1980 PA 497, MCL 570.1111.
   (f) A lien for unpaid assessments or charges due to a condominium association, homeowners’ association, or property owners’ association that arises from or pursuant to recorded restrictions that run with the land.
   (g) A state or federal tax lien.

(3) If property subject to a judgment lien recorded under this chapter is sold or refinanced, proceeds of the sale or refinancing due to a judgment creditor are limited to the judgment debtor’s equity in the property at the time of the sale or refinancing after all liens senior to the judgment lien, property taxes, and costs and fees necessary to close the sale or refinancing are paid or extinguished.
EXHIBIT B-6
§ 600.6023a. Property held jointly by an individual and his or her spouse; exemption under judgment entered against 1 spouse

An interest in real or personal property described in section 1 of 1927 PA 212, MCL 557.151 held jointly by an individual and his or her spouse as a tenancy by the entirety (including tenancy by the entirety property held by a trustee pursuant to MCL 700.7509), is exempt from execution under a judgment entered against only 1 spouse.
EXHIBIT B-7
700.2114 Parent and child relationship.

Sec. 2114.

(1) Except as provided in subsections (2), (3), and (4), for purposes of intestate succession by, through, or from an individual, an individual is the child of his or her natural parents, regardless of their marital status. The parent and child relationship may be established in any of the following manners:

(a) If a child is born or conceived during a marriage, both spouses are presumed to be the natural parents of the child for purposes of intestate succession. A child conceived by a married woman with the consent of her husband following utilization of assisted reproductive technology is considered as their child for purposes of intestate succession. Consent of the husband is presumed unless the contrary is shown by clear and convincing evidence. If a man and a woman participated in a marriage ceremony in apparent compliance with the law before the birth of a child, even though the attempted marriage may be void, the child is presumed to be their child for purposes of intestate succession.

(b) If a child is born out of wedlock or if a child is born or conceived during a marriage but is not the issue of that marriage, a man is considered to be the child's natural father for purposes of intestate succession if any of the following occur:

(i) The man joins with the child's mother and acknowledges that child as his child by completing an acknowledgment of parentage as prescribed in the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(ii) The man joins the mother in a written request for a correction of certificate of birth pertaining to the child that results in issuance of a substituted certificate recording the child's birth.

(iii) The man and child have established a mutually acknowledged relationship of parent and child that begins before the child becomes age 18 and continues until terminated by the death of either.

(iv) The man is determined to be the child's father and an order of filiation establishing that paternity is entered as provided in the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(v) Regardless of the child's age or whether or not the alleged father has died, the court with jurisdiction over probate proceedings relating to the decedent's estate determines that the man is the child's father, using the standards and procedures established under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) The man is determined to be the father in an action under the revocation of paternity act.

(c) A child who is not conceived or born during a marriage is an individual born in wedlock if the child's parents marry after the conception or birth of the child.
(2) An adopted individual is the child of his or her adoptive parent or parents and not of his or her natural parents, but adoption of a child by the spouse of either natural parent has no effect on either the relationship between the child and that natural parent or the right of the child or a descendant of the child to inherit from or through the other natural parent. An individual is considered to be adopted for purposes of this subsection when a court of competent jurisdiction enters an interlocutory decree of adoption that is not vacated or reversed.

(3) The permanent termination of parental rights of a minor child by an order of a court of competent jurisdiction; by a release for purposes of adoption given by the parent, but not a guardian, to the family independence agency or a licensed child placement agency, or before a probate or juvenile court; or by any other process recognized by the law governing the parent-child status at the time of termination, excepting termination by emancipation or death, ends kinship between the parent whose rights are so terminated and the child for purposes of intestate succession by that parent from or through that child.

(4) Inheritance from or through a child by either natural parent or his or her kindred is precluded unless that natural parent has openly treated the child as his or hers, and has not refused to support the child.

(5) Only the individual presumed to be the natural parent of a child under subsection (1)(a) may disprove a presumption that is relevant to that parent and child relationship, and this exclusive right to disprove the presumption terminates on the death of the presumed parent.

700.2519 Statutory will.

Sec. 2519.

(1) A will executed in the form prescribed by subsection (2) and otherwise in compliance with the terms of the Michigan statutory will form is a valid will. A person printing and distributing the Michigan statutory will shall print and distribute the form verbatim as it appears in subsection (2). The notice provisions shall be printed in 10-point boldfaced type.

(2) The form of the Michigan statutory will is as follows:

MICHIGAN STATUTORY WILL NOTICE

1. An individual age 18 or older who has sufficient mental capacity may make a will.

2. There are several kinds of wills. If you choose to complete this form, you will have a Michigan statutory will. If this will does not meet your wishes in any way, you should talk with a lawyer before choosing a Michigan statutory will.

3. Warning! It is strongly recommended that you do not add or cross out any words on this form except for filling in the blanks because all or part of this will may not be valid if you do so.
4. This will has no effect on jointly held assets, on retirement plan benefits, or on life insurance on your life if you have named a beneficiary who survives you.

5. This will is not designed to reduce estate taxes.

6. This will treats adopted children and children born outside of wedlock who would inherit if their parent died without a will the same way as children born or conceived during marriage.

7. You should keep this will in your safe deposit box or other safe place. By paying a small fee, you may file this will in your county's probate court for safekeeping. You should tell your family where the will is kept.

8. You may make and sign a new will at any time. If you marry or divorce after you sign this will, you should make and sign a new will.

INSTRUCTIONS:

1. To have a Michigan statutory will, you must complete the blanks on the will form. You may do this yourself, or direct someone to do it for you. You must either sign the will or direct someone else to sign it in your name and in your presence.

2. Read the entire Michigan statutory will carefully before you begin filling in the blanks. If there is anything you do not understand, you should ask a lawyer to explain it to you.

MICHIGAN STATUTORY WILL OF ________________________________
(Print or type your full name)
ARTICLE 1. DECLARATIONS
This is my will and I revoke any prior wills and codicils.
I live in ___________________________ County, Michigan.
My spouse is ___________________________________________.
(Insert spouse's name or write "none")
My children now living are:
______________________ ______________________
______________________ ______________________
______________________ ______________________
(Insert names or write "none")
ARTICLE 2. DISPOSITION OF MY ASSETS
2.1 CASH GIFTS TO PERSONS OR CHARITIES.
(Optional)
I can leave no more than two (2) cash gifts. I make the following cash gifts to the persons or charities in the amount stated here. Any transfer tax due upon my death shall be paid from the balance of my estate and not from these gifts. Full name and address of person or charity to receive cash gift (name only 1 person or charity here):

____________________________________
(Insert name of person or charity)

____________________________________

(Insert address)

AMOUNT OF GIFT (In figures): $ ________________________________

AMOUNT OF GIFT (In words): ____________________________ Dollars

____________________________________

(Your signature)

Full name and address of person or charity to receive cash gift

(Name only 1 person or charity):

____________________________________

(Insert name of person or charity)

____________________________________

(Insert address)

AMOUNT OF GIFT (In figures): $ ________________________________

AMOUNT OF GIFT (In words): ____________________________ Dollars

____________________________________

(Your signature)

2.2 PERSONAL AND HOUSEHOLD ITEMS.

I may leave a separate list or statement, either in my handwriting or signed by me at
the end, regarding gifts of specific books, jewelry, clothing, automobiles, furniture,
and other personal and household items.

I give my spouse all my books, jewelry, clothing, automobiles, furniture, and other
personal and household items not included on such a separate list or statement. If I
am not married at the time I sign this will or if my spouse dies before me, my
personal representative shall distribute those items, as equally as possible, among
my children who survive me. If no children survive me, these items shall be
distributed as set forth in paragraph 2.3.

2.3 ALL OTHER ASSETS.

I give everything else I own to my spouse. If I am not married at the time I sign this
will or if my spouse dies before me, I give these assets to my children and the
descendants of any deceased child. If no spouse, children, or descendants of children
survive me, I choose 1 of the following distribution clauses by signing my name on
the line after that clause. If I sign on both lines, if I fail to sign on either line, or if I
am not now married, these assets will go under distribution clause (b).

Distribution clause, if no spouse, children, or descendants of children survive me.

(Select only 1)

(a) One-half to be distributed to my heirs as if I did not have a will, and one-half to
be distributed to my spouse’s heirs as if my spouse had died just after me without a
will.

____________________________________

(Your signature)
(b) All to be distributed to my heirs as if I did not have a will.

_________________________________
(Your signature)

ARTICLE 3. NOMINATIONS OF PERSONAL REPRESENTATIVE, GUARDIAN, AND CONSERVATOR

Personal representatives, guardians, and conservators have a great deal of responsibility. The role of a personal representative is to collect your assets, pay debts and taxes from those assets, and distribute the remaining assets as directed in the will. A guardian is a person who will look after the physical well-being of a child. A conservator is a person who will manage a child’s assets and make payments from those assets for the child’s benefit. Select them carefully. Also, before you select them, ask them whether they are willing and able to serve.

3.1 PERSONAL REPRESENTATIVE.
(Name at least 1)
I nominate _____________________________________________________
______________________________ to serve as personal representative.
(Insert address)
If my first choice does not serve, I nominate _________________________________________
______________________________ to serve as personal representative.
(Insert address)

3.2 GUARDIAN AND CONSERVATOR.

Your spouse may die before you. Therefore, if you have a child under age 18, name an individual as guardian of the child, and an individual or eligible financial institution as conservator of the child’s assets. The guardian and the conservator may, but need not be, the same person.

If a guardian or conservator is needed for a child of mine, I nominate _________________________________________
______________________________ as guardian and
(Insert address)
____________________________________________________________
______________________________ as conservator.
(Insert address)
If my first choice cannot serve, I nominate _________________________________________
______________________________ as guardian and
(Insert address)
(Insert name of individual or eligible financial institution)
of _______________________________ to serve as conservator.
(Insert address)

3.3 BOND.

A bond is a form of insurance in case your personal representative or a conservator performs improperly and jeopardizes your assets. A bond is not required. You may choose whether you wish to require your personal representative and any conservator to serve with or without bond. Bond premiums would be paid out of your assets. (Select only 1)

(a) My personal representative and any conservator I have named shall serve with bond.

_________________________________
(Your signature)

(b) My personal representative and any conservator I have named shall serve without bond.

_________________________________
(Your signature)

3.4 DEFINITIONS AND ADDITIONAL CLAUSES.

Definitions and additional clauses found at the end of this form are part of this will.

I sign my name to this Michigan statutory will on ______________ , 20_____.

_________________________________
(Your signature)

NOTICE REGARDING WITNESSES

You must use 2 adults as witnesses. It is preferable to have 3 adult witnesses. All the witnesses must observe you sign the will, have you tell them you signed the will, or have you tell them the will was signed at your direction in your presence.

STATEMENT OF WITNESSES

We sign below as witnesses, declaring that the individual who is making this will appears to have sufficient mental capacity to make this will and appears to be making this will freely, without duress, fraud, or undue influence, and that the individual making this will acknowledges that he or she has read the will, or has had it read to him or her, and understands the contents of this will.

______________________________
(Print Name)

______________________________
(Signature of witness)
DEFINITIONS

The following definitions and rules of construction apply to this Michigan statutory will:

(a) "Assets" means all types of property you can own, such as real estate, stocks and bonds, bank accounts, business interests, furniture, and automobiles.

(b) "Descendants" means your children, grandchildren, and their descendants.

(c) "Descendants" or "children" includes individuals born or conceived during marriage, individuals legally adopted, and individuals born out of wedlock who would inherit if their parent died without a will.

(d) "Jointly held assets" means those assets to which ownership is transferred automatically upon the death of 1 of the owners to the remaining owner or owners.

(e) "Spouse" means your husband or wife at the time you sign this will.

(f) Whenever a distribution under a Michigan statutory will is to be made to an individual's descendants, the assets are to be divided into as many equal shares as there are then living descendants of the nearest degree of living descendants and deceased descendants of that same degree who leave living descendants. Each living descendant of the nearest degree shall receive 1 share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendant as if the surviving descendants had predeceased the descendant. In this manner, all descendants who are in the same generation will take an equal share.
(g) "Heirs" means those persons who would have received your assets if you had died without a will, domiciled in Michigan, under the laws that are then in effect.

(h) "Person" includes individuals and institutions.

(i) Plural and singular words include each other, where appropriate.

(j) If a Michigan statutory will states that a person shall perform an act, the person is required to perform that act. If a Michigan statutory will states that a person may do an act, the person's decision to do or not to do the act shall be made in good faith exercise of the person's powers.

ADDITIONAL CLAUSES

Powers of personal representative

1. A personal representative has all powers of administration given by Michigan law to personal representatives and, to the extent funds are not needed to meet debts and expenses currently payable and are not immediately distributable, the power to invest and reinvest the estate from time to time in accordance with the Michigan prudent investor rule. In dividing and distributing the estate, the personal representative may distribute partially or totally in kind, may determine the value of distributions in kind without reference to income tax bases, and may make non-pro rata distributions.

2. The personal representative may distribute estate assets otherwise distributable to a minor beneficiary to the minor's conservator or, in amounts not exceeding $5,000.00 per year, either to the minor, if married; to a parent or another adult with whom the minor resides and who has the care, custody, or control of the minor; or to the guardian. The personal representative is free of liability and is discharged from further accountability for distributing assets in compliance with the provisions of this paragraph.

POWERS OF GUARDIAN AND CONSERVATOR

A guardian named in this will has the same authority with respect to the child as a parent having legal custody would have. A conservator named in this will has all of the powers conferred by law.

700.2801 Effect of divorce, annulment, decree of separation, bigamy, and absence.

Sec. 2801.

(1) An individual who is divorced from the decedent or whose marriage to the decedent has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage, he or she is married to the decedent at the time of death. A decree of separation that does not terminate the status of husband and wife of the decedent and the decedent's spouse is not a divorce for purposes of this section.
(2) For purposes of parts 1 to 4 of this article and of section 3203, a surviving spouse does not include any of the following:

(a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in this state, unless they subsequently participate in a marriage ceremony purporting to marry each to the other or live together as husband and wife spouses.

(b) An individual who, following an invalid decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third individual.

(c) An individual who was a party to a valid proceeding concluded by an order purporting to terminate all marital property rights.

(d) An individual who, at the time of the decedent's death, is living in a bigamous relationship with another individual.

(e) An individual who did any of the following for 1 year or more before the death of the deceased person:

(i) Was willfully absent from the decedent spouse.

(ii) Deserted the decedent spouse.

(iii) Willfully neglected or refused to provide support for the decedent spouse if required to do so by law.

700.2806 Definitions relating to revocation of probate and nonprobate transfers by divorce; revocation by other changes of circumstances.

Sec. 2806.

As used in this section and sections 2807 to 2809:

(a) “Disposition or appointment of property” includes, but is not limited to, a transfer of an item of property or another benefit to a beneficiary designated in a governing instrument.

(b) “Divorce or annulment” means a divorce or annulment, or a dissolution or declaration of invalidity of a marriage, that would exclude the spouse as a surviving spouse within the meaning of section 2801. A decree of separation that does not terminate the status of husband and wife of the decedent’s marriage is not a divorce for purposes of this section and sections 2807 to 2809.

(c) “Divorced individual” includes, but is not limited to, an individual whose marriage has been annulled.
(d) "Governing instrument" means a governing instrument executed by a divorced individual before the divorce from, or annulment of his or her marriage to, his or her former spouse.

(e) "Relative of the divorced individual's former spouse" means an individual who is related to the divorced individual's former spouse by blood, adoption, or affinity and who, after the divorce or annulment, is not related to the divorced individual by blood, adoption, or affinity.

(f) "Revocable" means, with respect to a disposition, appointment, provision, or nomination, one under which the divorced individual, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of his or her former spouse or former spouse's relative, whether or not the divorced individual was then empowered to designate himself or herself in place of his or her former spouse or in place of his or her former spouse's relative and whether or not the divorced individual then had the capacity to exercise the power.
ARTICLE VII: MICHIGAN TRUST CODE  
PART 5: CREDITOR’S CLAIMS: SPENDTHRIFT, SUPPORT, AND DISCRETIONARY TRUSTS  
700.7509 TENANCY BY THE ENTIRETY PROPERTY

(1) As used in this section:

(a) "Property" means real or personal property and any interest in real or personal property.

(b) "Proceeds" means:

(i) Property acquired by a trustee upon the sale, lease, license, exchange, or other disposition of property originally conveyed by spouses as tenants by the entirety to a trustee.

(ii) Interest, dividends, rents, and other property collected by a trustee on, or distributed on account of, property originally conveyed by spouses as tenants by the entirety to a trustee.

(iii) Rights arising out of property originally conveyed by spouses as tenants by the entirety to a trustee.

(iv) Claims and resulting damage awards and settlement proceeds arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, property originally conveyed by spouses as tenants by the entirety to a trustee.

(v) Insurance proceeds or benefits payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, property originally conveyed by spouses as tenants by the entirety to a trustee.

(vi) Property held by a trustee that is otherwise traceable to property originally conveyed by spouses as tenants by the entirety to a trustee or the property proceeds described in subsections (i) to (v).

(2) While both spouses are still living, any property once held by the spouses as tenants by the entirety and subsequently conveyed as tenants by the entirety to a trustee of one or more trusts, and the proceeds of that property, shall have the same immunity from the claims of each spouse’s separate creditors as would exist if the spouses retained the property or its proceeds as tenants by the entirety, so long as all of the following apply:

(a) The spouses remain married.
The property or its proceeds continue to be held in trust by a trustee.

The trust or trusts are revocable by either spouse or both spouses, acting together.

Each spouse is a distributee or permissible distributee of the trust or trusts.

The trust instrument, deed, or other instrument of conveyance provides that this section shall apply to the property or its proceeds.

Upon the death of the first spouse:

All property held in trust that, under subsection (2), was immune from the claims of the deceased spouse’s creditors immediately prior to his or her death shall continue to have immunity from the claims of the decedent’s separate creditors as if both spouses were still alive.

To the extent that the surviving spouse remains a distributee or permissible distributee of the trust or trusts and has the power, exercisable in his or her individual capacity, to vest individually in the surviving spouse title to the property that, under subsection (2), was immune from the claims of the separate creditors of the decedent, the property shall be subject to the claims of the separate creditors of the surviving spouse.

If the surviving spouse remains a distributee or permissible distributee of the trust or trusts, but does not have the power, exercisable in his or her individual capacity, to vest individually in the surviving spouse title to the property that, under subsection (2), was immune from claims of the spouses’ separate creditors, that property shall continue to have immunity from the claims of the separate creditors of the surviving spouse.

The immunity from the claims of separate creditors under subsections (2) and (3) may be waived by the express provisions of a trust instrument, deed, or other instrument of conveyance, or by the written consent of both spouses, as to any specific creditor or any specifically described trust property, including all separate creditors of a spouse or all former tenancy by the entirety property conveyed to a trustee.

Except as provided in subsection (6), immunity from the claims of separate creditors under subsections (2) and (3) shall be waived if a trustee executes and delivers a financial statement for the trust that fails to disclose the requested identity of property held in trust that is immune from the claims of separate creditors.
Immunity is not waived under subsection (5) if the identity of the property that is immune from the claims of separate creditors and evidence of such immunity is otherwise reasonably disclosed by any of the following:

(a) A publicly recorded deed or other instrument of conveyance by the spouses to the trustee.

(b) A written memorandum by the spouses, or by a trustee, that is recorded among the land records or other public records in the county or other jurisdiction where the records of the trust are regularly maintained.

(c) The terms of the trust instrument, including any schedule or exhibit attached to the trust instrument, if a copy of the trust instrument is provided with the financial statement.

A waiver under subsection (5) shall be effective only as to:

(a) The person to whom the financial statement is delivered by a trustee.

(b) The particular trust property held in trust for which the immunity from the claims of separate creditors is insufficiently disclosed on the financial statement.

(c) The transaction for which the disclosure was sought.

In any dispute relating to the immunity of trust property from the claims of either spouse’s separate creditor, the creditor has the burden of proving, by clear and convincing evidence, that the trust property is not immune from the creditor’s claims.

In the event that any transfer of property held in tenancy by the entirety to a trustee of a trust as provided under subsection (2) is held invalid by any court of proper jurisdiction, or if the trust is revoked or dissolved by a court decree or operation of law, while both spouses are living, then immediately upon the occurrence of either event, absent a contrary provision in a court decree, all property held in the trust shall be deemed for all purposes to be held by both spouses as tenants by the entirety.

No transfer by spouses described in subsection (2) shall affect or change either spouse’s marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses expressly agree otherwise in writing. Upon entry of a judgment of divorce or annulment between the spouses, the immunity from the claims of separate creditors under subsection (2) shall terminate.
(11) If property is transferred to a trustee of a trust as provided under subsection (2), the trustee may transfer such trust property to the spouses as tenants by the entirety.

(12) This section may not be construed to affect existing state law with respect to tenancies by the entirety. This section applies only to tenancy by the entirety property conveyed to a trustee on or after ____________, 2014.
End of CSP Materials
MEETING OF THE COUNCIL OF THE
PROBATE AND ESTATE PLANNING SECTION
OF
THE STATE BAR OF MICHIGAN

January 17, 2015
Lansing, Michigan

AGENDA

I. Call to Order

II. Excused Absences

III. Introduction of Guests

IV. Consent Agenda – The Chair will ask if any Council member wishes to remove any item from the consent agenda. If anyone makes such request, the item will be removed. The Consent Agenda will then be handled and any removed items will be handled in turn thereafter as separate Agenda items.

A. Minutes of the December 13, 2014 Meeting of the Council
   See Attachment 1

B. Treasurer's Report – Marguerite Munson Lentz
   See Attachment 2

V. Chairperson's Report – Amy N. Morrissey

VI. Report of the Committee on Special Projects – Amy N. Morrissey (on behalf of Christopher A. Ballard)

VII. Standing Committee Reports

A. Internal Governance
   1. Budget – Marlaine C. Teahan
   2. Bylaws – Nancy H. Welber
   3. Awards – Douglas A. Mielock
   4. Planning – Shaheen I. Imami
   5. Nominating – George W. Gregory
   6. Annual Meeting – Shaheen I. Imami

B. Education and Advocacy Services for Section Members
   1. Amicus Curiae – David L. Skidmore
2. Probate Institute – James B. Steward
3. State Bar and Section Journals – Richard C. Mills
4. Citizens Outreach – Constance L. Brigman

See Attachment 3

5. Electronic Communications – William J. Ard
6. Membership – Raj A. Malviya

C. Legislation and Lobbying
1. Legislation – William J. Ard – See Attachment 4
2. Updating Michigan Law – Geoffrey R. Vernon
3. Insurance Ad Hoc Committee – Geoffrey R. Vernon
4. Artificial Reproductive Technology Ad Hoc Committee – Nancy H. Welber

D. Ethics and Professional Standards
1. Ethics – David P. Lucas
2. Unauthorized Practice of Law & Multidisciplinary Practice – Patricia M. Ouellette
3. Specialization and Certification Ad Hoc Committee – James B. Steward

E. Administration of Justice
1. Court Rules, Procedures and Forms – Michele C. Marquardt
2. Fiduciary Exception to Attorney Client Privilege Ad Hoc Committee – George F. Bearup

F. Areas of Practice
1. Real Estate – George F. Bearup
2. Transfer Tax Committee – Lorraine F. New
3. Charitable and Exempt Organization – Lorraine F. New
4. Guardianship, Conservatorship, and End of Life Committee – Rhonda M. Clark-Kreuer

G. Liaisons
1. Alternative Dispute Resolution Section Liaison – VACANT
2. Business Law Section Liaison – John R. Dresser
3. Elder Law and Disability Rights Section Liaison – Amy R. Tripp
4. Family Law Section Liaison – Patricia M. Ouellette
5. ICLE Liaison – Jeanne Murphy
6. Law Schools Liaison – William J. Ard
7. Michigan Bankers Association Liaison – Susan M. Allan
9. Probate Registers Liaison – Rebecca A. Schnelz
10. SCAO Liaisons – Constance L. Brigman, Michele C. Marquardt, Rebecca A. Schnelz
11. Solutions on Self-Help Task Force Liaison – Rebecca A. Schnelz
12. State Bar Liaison – Richard J. Siriani
13. Taxation Section Liaison – George W. Gregory

VIII. Other Business

IX. Hot Topics

X. Adjournment – After the Council meeting adjoins, if there is time, and at the discretion of the Chair, we may return to the CSP agenda.
MEETING OF THE COUNCIL OF THE
PROBATE AND ESTATE PLANNING SECTION
OF
THE STATE BAR OF MICHIGAN

December 13, 2014
Lansing, Michigan

MINUTES

I. Call to Order. The Chair called the meeting to order at 10:17 a.m.

II. Attendance. Guests were introduced.

A total of 5 officers and 17 members of the Council were present, representing a quorum.

A. The following 5 officers of the Council were in attendance:

   Amy N. Morrissey, Chair
   Shaheen I. Imami, Chair Elect
   James B. Steward, Vice-Chair
   Marlaine C. Teahan, Secretary
   Marguerite Munson Lentz, Treasurer

B. The following 17 members of the Council were in attendance:

   Susan M. Allan
   W. Josh Ard
   Christopher A. Ballard
   George F. Bearup
   Constance L. Brigman
   Mark E. Kellogg
   Rhonda M. Clark-Kreuer
   David P. Lucas
   Raj A. Malviya
   Michele C. Marquardt
   Richard C. Mills
   Lorraine F. New
   Patricia M. Ouellette
   David L.J.M. Skidmore
   James P. Spica
   Nancy H. Welber
   Geoffrey R. Vernon

C. No officers or members were absent without excuse. The following member was absent with excuse:

   Hon. Michael L. Jaconette

D. The following ex-officio members of the Council were in attendance:

   George W. Gregory
   Michael J. McClory
   Thomas F. Sweeney

E. The following guests were in attendance:

   Rebecca Bechler
   Ryan Bourjaily
   Julie Paquette
   Nathan R. Piwowarski
III. Consent Agenda – The Chair explained the concept of a consent agenda; this concept will ask those present if anyone wants to remove an item from the consent agenda. To remove an item from the consent agenda, any Council member may request an item be removed from the consent agenda. If an item is removed, it will be taken up separately after the remaining items on the consent agenda are voted on as a whole.

A. Minutes of November 15, 2014, Meeting of the Council minutes approved as submitted without objection. The November 15, 2014 minutes are posted on the Section's webpage at the State Bar of Michigan. http://michbar.org/probate/minutes.cfm

B. Treasurer's Report – Marguerite Munson Lentz received information from the State Bar of Michigan on December 11, 2014 and prepared a report that was distributed to Council members. After explanation by Ms. Lentz, the Treasurer’s Report was approved without objection. The Treasurer's report is found on the Section's webpage as part of the Agenda materials. http://michbar.org/probate/pdfs/agenda12-13-14.pdf – Attachment 2. In addition, the Treasurer's written report and an excel spreadsheet of the latest financials can be found at Exhibit A.

IV. Chairperson's Report – Amy N. Morrissey welcomed those in attendance. Ms. Morrissey informed Council members that in the future, as time allows, we will return to the Committee on Special Projects agenda after the completion of the Council Agenda. This procedure will allow us to address Committee on Special Projects issues more quickly.

V. Report of the Committee on Special Projects (CSP) – Christopher A. Ballard. Mr. Ballard reported on the following items that were discussed at the meeting of the Committee on Special Projects:

- Proposed legislation related to exculpation of trustees of trusts holding life insurance policies; and

- Proposed legislation for tenancy by the entireties protection for all assets of married individuals and for trusts of married individuals with such protection continuing after the death of the first spouse. After the completion of the regular Council meeting Agenda, we returned to discuss many issues related to changes in Michigan's tenancy by the entireties law. The discussion included a high level view and a detailed view of several issues. We will continue to discuss tenancy by the entireties legislation at future meetings of the Committee on Special Projects.

- CSP did not have recommendations to Council requiring a vote of the Council.
VI. Standing Committee Reports

A. Internal Governance

1. Budget – Marlaine C. Teahan – No Report

2. Bylaws – Nancy H. Welber reported that our amended Bylaws were approved by the Board of Commissioners at their November 21, 2014 meeting. Our new bylaws are on the Section website at http://michbar.org/probate/pdfs/bylaws.pdf

3. Awards – Douglas A. Mielock – No Report

4. Planning – Shaheen I. Imami reported that meeting dates for 2015-16 were selected and reserved.

5. Nominating – George W. Gregory – No Report


B. Education and Advocacy Services for Section Members


2. Probate Institute – James B. Steward updated Council on registrations for this year's Annual Probate Institute with ICLE; we are ahead of last year with the number of registrations at this time of year. Marketing materials will be sent out in January.

3. State Bar and Section Journals – Richard C. Mills reported that the most recent Journal was published this past week. Articles for the next Journal will be due January 1, 2015.

4. Citizens Outreach – Constance L. Brigman reported that the Elder Law Section is willing to take over the Medicaid brochure. Council’s brochure on the Patient’s Guide to Health-care Decision Making has a pending copyright application that Tom Sweeney filed. Ms. Brigman discussed copyrighting the brochures that were recently updated by the Citizens Outreach committee. Information was provided on the procedure to be followed in updating the brochures. The brochures were distributed by email just prior to the Council meeting and handed out to all in attendance. Any comments should be directed to Ms. Brigman relative to typos or corrections that should be made prior to the brochures being posted onto the Section’s website. These materials are posted as part of the Agenda for the January 17, 2015 meeting.


6. Membership – Raj A. Malviya discussed the Membership Committee's written report. The Membership Committee has been meeting monthly and is making excellent progress on several initiatives for this year, including meeting with third year law students at area law schools and
having a visible presence at the upcoming annual Probate Institutes. The goals of these initiatives are to promote our practice area among law students and to promote the benefits of membership in the Probate and Estate Planning Section of the State Bar of Michigan. The written report is at Attachment 3 of http://michbar.org/probate/pdfs/agenda12-13-14.pdf

C. **Legislation and Lobbying**

1. **Legislation – William J. Ard**

   Ms. Bechler from Public Affairs Associates was present and addressed Council on the current status of the Legislature after the recent November 2014 election. She discussed pending bills that will be addressed in the lame duck session. A timeline was presented for our proposed legislation concerning digital assets and probate appeals. A complete list of the pending bills that Public Affairs Associates is watching for Probate Council can be reviewed at http://michbar.org/probate/pdfs/agenda12-13-14.pdf at Attachment 4.

2. **Updating Michigan Law – Geoffrey R. Vernon** reported on the work of his committee on various issues including digital assets, tenants by entireties, and irrevocable life insurance trusts. The Committee is actively seeking other areas of Michigan law to review and possibly update, as needed. If there is an area that needs addressing, contact Mr. Vernon at gvernon@joslynvernon.com.

3. **Insurance Ad Hoc Committee – Geoffrey R. Vernon – No Report**

4. **Artificial Reproductive Technology Ad Hoc Committee – Nancy H. Welber** reported that the committee will soon bring proposed legislation to CSP regarding artificial reproductive technology as changes to EPIC will be needed. The committee is very fortunate to have Professor Lawrence W. Waggoner of the University of Michigan Law School on the committee; his help and experience are invaluable.

D. **Ethics and Professional Standards**

1. **Ethics – David P. Lucas** discussed an upcoming ethics opinion which will be added to an upcoming agenda, once issued.

2. **Unauthorized Practice of Law & Multidisciplinary Practice – Patricia M. Ouellette – No Report**

3. **Specialization and Certification Ad Hoc Committee – James B. Steward – No Report**

E. **Administration of Justice**

1. **Court Rules, Procedures and Forms – Michele C. Marquardt – No Report**

2. **Fiduciary Exception to Attorney Client Privilege Ad Hoc Committee – George F. Bearup – No Report**
F. Areas of Practice

1. Real Estate – George F. Bearup – No Report

2. Transfer Tax Committee – Lorraine F. New – The committee recently added a new member - Rob Labe. Ms. New discussed that the IRS mileage rate for 2015 will be $0.575. She reported that the proposed Revenue Administrative Bulletin (RAB) that we discussed last month will be rewritten relative to taxing of out-of-state beneficiaries of trusts. Another version of the RAB is anticipated; once revised, we will again review and discuss. In 2015, the State will offer a new offer in compromise form. Do not use the old form as it will cause delay (beyond current delays). Remember to get your PTIN renewed. Ms. New updated us on certain changes in staffing at the IRS.

3. Charitable and Exempt Organization – Lorraine F. New – the committee is reviewing the model act and has plans to revise the current law instead of going along with the model act. Ms. New will bring more information for review in the spring at CSP.

4. Guardianship, Conservatorship, and End of Life Committee – Rhonda M. Clark-Kreuer reported on the committee’s work reviewing SB 1102 which would prohibit appointment of a guardian serving in another state who has abused, exploited, or neglected a legally incapacitated individual.

G. Liaisons

1. Alternative Dispute Resolution Section Liaison – VACANT


3. Elder Law and Disability Rights Section Liaison – Amy R. Tripp – No Report

4. Family Law Section Liaison – Patricia M. Ouellette reported that she will review the tenancy by the entireties proposals, as they develop, with the Family Law Section.

5. ICLE Liaison – Jeanne Murphy – No Report


7. Michigan Bankers Association Liaison – Susan M. Allan – No Report


9. Probate Registers Liaison – Rebecca A. Schnelz – No Report
10. SCAO Liaisons – Constance L. Brigman, Michele C. Marquardt, Rebecca A. Schnelz – No Report


13. Taxation Section Liaison – George W. Gregory reported on the Taxation Section's annual tax conference on May 21, 2015. He also discussed the State Bar of Michigan's new website as well as the fact that Michigan has a new offer in compromise program taking effect in January, 2015.

VII. Other Business – None.

VIII. Hot Topics – Mike McClory updated us on new procedures at Wayne County Probate Court. If you have a petition with all waivers/consents signed, go to the Judge’s office for the Order to be signed; there is no longer a need to wait in line to see an analyst for these types of matters. Mr. McClory is open to receive emails for further discussions on the changes being made at the Wayne County Probate Court.

IX. Adjournment – 11:50 a.m.

The regular meeting of the Council was adjourned by the Chair at 11:12 a.m. The Chair then returned the floor to Mr. Vernon to continue with the CSP agenda. Mr. Vernon led a lively discussion on the tenancy by the entireties property issues previously discussed.

The Chair closed the meeting at 11:50 a.m.

A luncheon for all those in attendance wishing to stay followed the meeting.
PROBATE AND ESTATE PLANNING COUNCIL
Treasurer’s Report
December 13, 2014

Income/Expense Reports

I do not yet have the trial balance from the State Bar to prepare the October 2014 or the November 2014 income/expense reports. The October trial balance was delayed because of the closing of the State Bar’s fiscal year. I should receive the trial balance soon and will present the income/expense report for October (and hopefully November) at next month’s meeting.

Mileage Reimbursement Rate Effective 1/1/2014

The IRS business mileage reimbursement rate for 2014 is $0.56 per mile. If you are eligible for reimbursement of your mileage for Probate Council business, please use this rate on your SBM expense reimbursement forms. The SBM forms and instructions are attached.

Expense Reimbursement Requests

- Form: http://www.michbar.org/generalinfo/pdfs/sectexp.pdf
- Email forms to mlentz@bodmanlaw.com or provide paper copies in person or by mail.

Marguerite Munson Lentz, Treasurer
Probate and Estate Planning Section

Treasurer Contact Information:

Marguerite Munson Lentz
BODMAN PLC
6th Floor at Ford Field
1901 St. Antoine Street
Detroit, Michigan 48226
office: 313-393-7589
fax: 313-393-7579
email: mlentz@bodmanlaw.com
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<th>Revenue Subcategories</th>
<th>Oct-14</th>
<th>Nov-14</th>
<th>FY to Date Actual</th>
<th>Budget 2014-2015</th>
<th>Variance</th>
<th>Year to Date Percentage</th>
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<td>$ 38,360.00</td>
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<td>$ 11,433.52</td>
<td>$ 6,906.79</td>
<td>$ 21,167.21</td>
<td>(94,482.79)</td>
<td>18.30%</td>
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Net Increase (Decrease)

$ 78,592.79

Footnotes
(1) includes e-blast for the Journal
(2) includes plaques for outgoing Chair and Council Members
(3) includes October meeting in connection with Chair’s Dinner and SBM Leadership Conference expenses for incoming Chair and Chair Elect
(4) includes ListServ, telephone, e-blast & other electronic communications
(5) includes copying costs and $750 for Young Lawyers’ Conference

December 15, 2014
Income/Expense Reports

Last month, I distributed the October/November 2014 income/expense report at the meeting. One expense item was included in the chair’s dinner that should have been reported under the heading of “meetings.” Attached is a corrected October/November 2014 income/expense report.

The December 2014 trial balance was not received from the State Bar prior to my submission of this report. If I receive the trial balance before the January 17 meeting, I will bring copies of the December 2014 income/expense report to the January meeting.

Mileage Reimbursement Rate Effective 1/1/2015

The IRS business mileage reimbursement rate for 2015 is $0.575 per mile. If you are eligible for reimbursement of your mileage for Probate Council business, please use this rate on your SBM expense reimbursement forms. The SBM forms and instructions are attached. Please note that the forms were revised to reflect the new mileage rate.

Expense Reimbursement Requests

- Email forms to mlentz@bodmanlaw.com or provide paper copies in person or by mail.

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email: mlentz@bodmanlaw.com
## Probate Council
### Treasurer's Report
#### October/November 2014

<table>
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<tr>
<th>Description</th>
<th>Oct-14</th>
<th>Nov-14</th>
<th>FY to Date Actual</th>
<th>Budget 2014-2015</th>
<th>Variance</th>
<th>Year to Date Percentage</th>
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<td>$115,000.00</td>
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<td>Publishing Agreements</td>
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**Footnotes**
1. Includes e-blast for the Journal
2. Includes plaques for outgoing Chair and Council Members
3. Includes October meeting in connection with Chair's Dinner and SBM Leadership Conference expenses for incoming Chair and Chair Elect
4. Includes Listserve, telephone, e-blast & other electronic communications
5. Includes copying costs and $750 for Young Lawyers’ Conference

December 15, 2014
Instructions for Section Expense Reimbursement Form

The Expense Reimbursement Form can be prepared on your computer, digitally signed, digitally approved, and e-mailed for processing. All receipts and other required documentation can be scanned and e-mailed along with the form. You should keep a copy for your electronic file, and you will save paper and filing cabinet space as a result. You do not need to print the form and manually fill it out.

1. Type your name & address information. (You may tab after each field).
2. Select a section name from the drop down list.
3. Enter the appropriate expense account number.
4. Enter the amount(s).
5. In the date box, enter the date or pick from the calendar.
6. Type in the description and business purpose of the expense.
7. The form will automatically calculate the mileage, if applicable.
8. Type in the amount of the expense(s) for lodging, meals, miscellaneous.
9. The total expense will be displayed at the right hand side of the form for each line entered.
10. Please make sure the bottom right hand total amount and the upper right hand side total amounts are the same.
11. Date the form.
12. You may now digitally sign your form (placing your cursor over the signature line—it will prompt you through the process). Once you complete your first digital signature, it will be saved for future use.
13. You may save the form on your personal drive or shared drive for future reference.
14. You may enter a title if applicable.
15. Forward the form (by e-mail) along with scanned copies of receipts, list of names, and other required documentation to the treasurer of the section.
16. Once the form is approved, the treasurer will then forward the form/attachments to Alpa Patel in the Finance Department at SBM for processing.

Note: This form replaces any old or existing forms and should be used going forward.

If you have any questions about this form, please contact Alpa Patel at (517) 346-6362 or apatel@mail.michbar.org.
State Bar of Michigan
306 Townsend St., Lansing MI 48909-2012, (517) 373-1442

Payee Name
Street
City
State Michigan Zip Code
E-mail
Phone

Section
Expense Reimbursement Form

Select a Section

Staple receipts to back of form as required.
For electronic transmittal, scan and PDF received receipts and send with form by e-mail.
Policies and procedures on reverse side.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description &amp; Purpose (Note start &amp; end point for mileage.)</th>
<th>Mileage</th>
<th>Lodging/Other Travel</th>
<th>Meals (Self + attach list of guests)</th>
<th>Miscellaneous (i.e. copying, phone, etc.)</th>
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I certify that the reported expense was actually incurred while performing my duties for the State Bar of Michigan as

Date | Title | Signature

| Date | Title | Approved by (signature)

Grand Total $0.00

[Reset Form] [Print Form]
STATE BAR OF MICHIGAN
Section Expense Reimbursement Policies and Procedures

General Policies
1. Requests for reimbursement of individual expenses should be submitted as soon as possible following the event and no later than two weeks following the close of the fiscal year in which the expense is incurred so that the books for that year can be closed and audited.

2. All out of pocket expenses must be itemized.

3. Detailed receipts are recommended for all expenses but required for expenses over $25.

4. Meal receipts for more than one person must indicate names of all those in attendance unless the function is a section council meeting where the minutes of that meeting indicate the names of those present. Seminar meal functions should indicate the number guaranteed and those in attendance, if different.

5. Spouse expenses are generally not reimbursable.

6. Mileage is reimbursed at the current IRS approved rate for business mileage. Reimbursement of mileage or travel expenses is limited to actual distance traveled; not distance from domicile to the meeting site.

7. Receipts for lodging expenses must be supported by a copy of the itemized bill showing the per night charge, meal expenses and all other charges, not simply a credit card receipt, for the total paid.

8. Airline tickets should be purchased as far in advance as possible to take advantage of any cost saving plans available.
   A. Tickets should be at the best rate available for as direct a path as possible.
   B. First class tickets will not be reimbursed in full but will only be reimbursed up to the amount of the best or average coach class ticket available for that trip.
   C. Increased costs incurred due to side trips for the private benefit of the individual will be deducted.
   D. A copy of the ticket receipt showing the itinerary must be attached to the reimbursement request.

9. Reimbursement for car, bus or train will be limited to the maximum reimbursable air fare if airline service to the location is available.

10. Outside speakers should be advised in advance of the need for receipts and the above requirements.

11. Bills for copying done by a firm should include the numbers of copies made, the cost per page and general purpose (committee or section meeting notice, seminar materials, etc.).

12. Bills for reimbursement of phone expenses should be supported by copies of the actual phone bills. If that is not possible, the party called and the purpose of the call should be provided.

13. The State Bar of Michigan is Sales tax exempt. Suppliers of goods and services should be advised that the State Bar of Michigan is the purchaser and that tax should not be charged.

14. Refunds from professional organizations (Example: ABA/NAEB) for registration fees and travel must be made payable to the State Bar of Michigan and sent to the attention of the Finance Department. If the State Bar of Michigan is paying your expenses or reimbursing you for a conference and you are aware you will receive a refund, please notify the finance department staff at the time you submit your request for payment.

15. Reimbursement will in all instances be limited to reasonable and necessary expenses.

Specific Policies
1. Sections may not exceed their fund balance in any year without express authorization of the Board of Commissioners.

2. Individuals seeking reimbursement for expenditures of funds must have their request approved by the chairperson or treasurer. Chairpersons must have their expenses approved by the treasurer and vice versa.

3. Requests for reimbursement of expenses which require council approval must be accompanied by a copy of the minutes of the meeting showing approval granted.
The following brochures are submitted for Probate Council approval:

1. What You Need to Know About Designating Someone to Make Medical Treatment Decisions for You
2. Durable Power of Attorney
3. What to Do When a Family Member Dies with Assets
4. Who Has Authority to Act on Behalf of an Incapacitated Individual?

Print versions of these materials were handed out at the December 2014 Council meeting. However, we did not ask the Council to review or vote on these materials. I will be asking Council to approve these materials at the January 2015 meeting. If approved, pdfs of these will be temporarily posted on our Section's website at the State Bar of Michigan.

These brochures were begun by Ellen Sugrue Hyman then Becky Schnelz. They were outdated. We updated them and corrected grammar and formatting problems.

These brochures are temporary. Here’s why. The committee is diligently working on altering the website format for the section’s brochure materials. Rather than have a link to the pdfs, we would like to put this information on the section’s website under a “for the public” landing page. This will enable google to search the page and present our page in response to a google search.

Google will not crawl the website for information in a pdf link. Again, when information is simply put on a website as a pdf link, google does not find it. As a result, the public does not find our brochures when performing a google search.

As a result, nobody finds the brochures when searching for probate information. The only way anyone finds these brochures is when they already know they are on the SBM website. Even then, one still has to know what page on the SBM website one has to navigate to in order to find these brochures. There may be people going to the website to order the brochures; however, one has to wonder who those people are and if they are members of the public.

We are still working on coordinating with others on a better website format. The issue for us now is getting approval to add another page to our section page and then creating a “for the public” button on the section’s page that will direct the public to a landing page where the brochures will be available. When we have something substantial to report, we will present it to the Council.

Connie Brigman, Chair
Citizens Outreach Committee
What You Need to Know About Designating Someone to Make Medical Treatment Decisions for You

Seven Frequently Asked Questions about Patient Advocate Designations

State Bar of Michigan Probate and Estate Planning Section

Revised January 7, 2015
Patient Advocate Designations and Medical Decisions

Suppose something happens to an individual making him or her unable to participate in medical care decisions. Suppose also that the immediate family members are not in agreement as to what medical care this individual wanted. Who will speak to the doctors for this individual?

A legal document called a Patient Advocate Designation allows an individual to designate another person, in advance, to make medical treatment decisions for him or her in the event the individual is unable to do so due to a mental or physical condition.Outlined below is important information about what a Patient Advocate does, what decision making powers a Patient Advocate has, how to properly designate a Patient Advocate, and other helpful information.

1. What Is a Patient Advocate Designation?

A person has the legal right to make his or her own medical care decisions. Some medical care decisions are very personal. Some medical decisions are difficult to even think about. And yet at some point a person may be unable to say what kind of medical care he or she wants. If that person has the proper legal documents, a Patient Advocate may act in this person’s behalf when it is necessary to do so.

A Patient Advocate Designation is a legal document that allows an individual (referred to in the document as the “Patient”) to appoint another person (referred to as a “Patient Advocate”) to exercise powers over his or her care, custody, and medical treatment during any period in which the individual is unable to participate in making those decisions. A Patient Advocate Designation is also sometimes referred to as a Medical Power of Attorney or a Health Care Proxy.
2. What if Someone Does Not Have a Patient Advocate Designation?

A Patient Advocate Designation is the legal document in Michigan by which an individual can designate another person to make medical treatment decisions for them. The law is unclear on who makes medical care decisions for an incapacitated if there is conflict among family members and no guardian appointed by the probate court for this incapacitated individual. Guardians are court-appointed advocates who have the authority to make care, custody, and medical treatment decisions. The probate court decides which medical care decisions the guardian may make. If the individual has a properly executed Patient Advocate Designation before the appointment of the guardian, the person named as the Patient Advocate usually retains the power to make decisions regarding medical care. Most importantly, the designation of a Patient Advocate often eliminates the need for a court-appointed guardian altogether.

3. What Type of Directives Can Be Included in a Patient Advocate Designation?

An individual may include a statement of their desires relating to their care and medical treatment in a Patient Advocate Designation. The following are some directives an individual may choose to include. A person may:

- Specify that the Patient Advocate may make anatomical gifts after death.
- Describe the types of life-sustaining treatment that he or she would like to receive or not receive.

These directives are often put in a Living Will; however, Michigan law has not expressly authorized the use of Living Wills.

4. What Are the Execution Requirements for a Patient Advocate Designation?

A Patient Advocate Designation must be properly executed to be legally valid. Michigan law provides that a properly executed Patient Advocate Designation must have the following:
• **Signature.** The document must be signed by an individual 18 years old or older and of sound mind. The individual must not sign the Patient Advocate Designation because of duress, fraud, or undue influence.

• ** Witnesses.** In order to be valid, a Patient Advocate Designation must be properly signed and witnessed by two people. The witnesses cannot be any of the following persons: the patient's spouse, parent, child, grandchild, sibling, presumptive heir, known devisee at the time of the witnessing, physician, or patient advocate or an employee of a life or health insurance provider for the patient, of a health facility that is treating the patient, or of a home for the aged where the patient resides, or of a community mental health services program or hospital that is providing mental health services to the patient.

The individual can change his or her mind about the Patient Advocate Designation. If that happens, the individual may revoke in any manner sufficient to communicate intent to revoke. The individual can revoke the Patient Advocate Designation at any time - even after he or she is unable to participate in medical treatment decisions. If the Patient’s physician or health facility has notice of the Patient’s revocation of the designation, the physician or health facility is required to note the revocation in the Patient’s medical records and bedside chart. They must also notify the Patient Advocate.

5. **When Does the Designation Take Effect? When Can the Patient Advocate Act?**

The designation comes into effect, and the Patient Advocate can act, only when the Patient is no longer able to participate in medical treatment decisions. Generally speaking, and by way of example only, the Patient is considered “unable to participate in medical treatment decisions” if they are in a coma, or have some sort of severe mental impairment. The Patient’s attending physician makes this determination in consultation with another physician or a licensed psychologist.

The physician’s determination must be put in writing, incorporated into the Patient’s medical record, and reviewed at least once a year. If a dispute arises as to whether the
Patient is able to participate in medical treatment decisions, a petition can be filed in the Probate Court requesting the court to determine whether the Patient is able to do so.

Prior to being able to act as the Patient Advocate, the person appointed to act as Patient Advocate must also sign an acceptance of the designation, and agree to the terms of the appointment as set out in state law. These terms include certain legal limitations on the Patient Advocate’s authority.

6. What Are the Responsibilities of the Patient Advocates and the Limitations on Their Powers?

The Patient Advocate has the duty to act in the Patient’s best interests. Preferences expressed or evidenced when the Patient was able to participate in medical treatment decisions are presumed to be in their best interests. The Patient Advocate has a duty to take reasonable steps to follow the Patient’s expressed desires, preferences and instructions. While these desires do not have to be set forth in writing, one of the best ways to ensure that the Patient Advocate has notice of them is to include them in the Patient Advocate Designation.

A Patient Advocate cannot, under any circumstances, direct medical treatment that would directly cause the Patient’s death. Michigan law prohibits euthanasia or “mercy killing.” A Patient Advocate is allowed, however, to make a decision to withhold or withdraw treatment that would allow a Patient to die. This can only be done if the Patient authorized the Patient Advocate in a clear and convincing manner to make such a decision. If the Patient wants the Patient Advocate to have this power, they must acknowledge that such a decision to withhold or withdraw treatment would or could allow them to die. A Patient Advocate can never make a life-ending decision if the Patient is pregnant.

Even when a Patient has previously expressed a desire to have life-sustaining care or medical treatment withheld or withdrawn, the Patient Advocate cannot act on that earlier declaration if the Patient later expresses a desire to have life-sustaining care or treatment
provided, regardless of whether the patient is incapacitated or unable to participate in medical treatment decisions at that time

The Patient Advocate’s powers cannot be delegated to another person without the Patient’s prior authorization. A designation appointing the spouse as Patient Advocate that was executed during the Patient’s marriage is suspended during an action for separation or dissolution of marriage, and revoked when the marriage is dissolved.

Finally, a Patient Advocate cannot receive compensation for being a Patient Advocate, but can receive reimbursement for expenses.

7. What Are the Responsibilities of Medical Professionals Regarding Patient Advocate Designations?

Medical professionals are bound by sound medical practice. They also are bound by the Patient Advocate’s instructions so long as they reasonably believe that the Patient Advocate Designation was properly executed and the Patient Advocate is acting in compliance with the law. Medical professionals are liable in the same manner and to the same extent as if the Patient gave the directions and not the Patient Advocate. If a dispute arises as to whether the Patient Advocate is acting consistent with the terms of the Patient Advocate Designation, the Patient’s best interests, or the law, a petition can be filed in the probate court requesting the court to determine whether the designation should be continued or the Patient Advocate should be removed.
Durable Power of Attorney

Many people forget an important part of an estate plan. It is important to plan for who will take care of your financial affairs for you – while you are alive – in the event that you cannot do so. While you are alive, you may become seriously ill or injured. If you are unable to handle your affairs, who can and will do so for you?

Michigan law provides for a probate court proceeding to appoint a person or institution to act for you, if you are seriously ill or injured and there is no one who can act for you. These guardianship and conservatorship proceedings involve time, expense and result in a public declaration of your incompetency. You have no assurance as to whom the court will appoint to serve as your guardian or conservator. You can easily avoid a probate court proceeding by signing a document giving a relative, friend or a bank the power to act for you.

The document that may help you avoid a probate court proceeding is a durable power of attorney. The document must be durable; otherwise, it is automatically suspended or revoked (it is no longer valid) if you become incapacitated - just when your family would need it most.

You should consider having a durable power of attorney. It can save you and your family the time, expense and the inconvenience of a probate court proceeding.
1. What is a power of attorney?

You, as “principal,” name another individual as your “agent” or “attorney-in-fact” to act for you to handle your affairs.

Duties may include:

- signing checks,
- making deposits,
- paying bills,
- contracting for medical or other professional services,
- selling property,
- obtaining insurance, and
- doing all the things you do in managing your day to day affairs.

The authority that you give to your agent can be as broad (for example, to do anything you could do) or as narrow (for example, to sell a particular piece of real estate) as you choose to make it. A power of attorney should be in writing and signed by you so that your agent has something to show as to his or her authority to act for you. Your signature must be either notarized or properly witnessed. The agent must sign a proper acknowledgment of responsibilities and duties that includes certain statements required by Michigan statute. Usually, a power of attorney is signed with all of the formalities required when a deed is executed. This allows, for example, the power of attorney to be recorded with a local register of deeds office in the event your agent needs to use the power of attorney in connection with a real estate transaction.

2. What is a durable power of attorney?

A durable power of attorney is a written power of attorney that springs into effect or stays effective when the person becomes incapacitated. It contains the words “this power of attorney shall not be affected by my incapacity,” or “this power of attorney shall become effective upon my incapacity,” or similar words. In order to be valid, a durable power of attorney must be signed by you before you become incapacitated.
3. Do I need a durable power of attorney if my spouse and I own everything jointly?

Yes. If you are incapacitated, your spouse can still sign checks and make withdrawals on joint bank accounts, but without a durable power of attorney, your spouse cannot sell jointly owned stocks or your jointly owned home or cottage. Without authority under a durable power of attorney, your spouse cannot name or change a beneficiary on your life insurance or your retirement benefits.

4. Can I make a durable power of attorney that is effective immediately?

Yes, you can make a durable power of attorney that is presently effective. Your agent may be given a lot of authority. It should be given to someone you trust. If the durable power of attorney is effective immediately, then it could include a statement that your agent must follow your instructions.

5. Can I make a durable power of attorney that becomes effective only if I become incapacitated?

Yes, you could write, “this power of attorney shall become effective upon my incapacity.” If you do so, you might indicate how you will be determined to be incapacitated. It will be helpful later when your agent or others determine when it is the right time for your agent to act for you.

6. Can I revoke a durable power of attorney? If so, how?

As long as you are competent you can revoke your durable power of attorney. The revocation should be in writing, and it should be delivered to the agent and to third parties with whom the agent is dealing (for example, your bank). A conservator appointed by the probate court can revoke the durable power of attorney. Finally, the durable power of attorney terminates at the time of your death, unless there is uncertainty as to whether you are dead or alive. Please understand, however, that a third party is
entitled to rely on a power of attorney that has been terminated or revoked until the third party has actual notice of the termination.

7. What are some specific authorities which might be given in a durable power of attorney?

You want your agent to be able to do anything you could do. Many durable powers of attorney are very broad. Specifically, a power of attorney might authorize your agent to do any or all of the following on your behalf:

- Pay for support and care.
- Borrow money.
- Conduct banking transactions.
- Deal with property.
- Handle legal claims.
- Gain entry to safety deposit boxes.
- Deal with insurance and retirement benefits.
- Prepare and file tax returns.
- Exercise stockholder rights.
- Contract for services.
- Make gifts.
- Collect Social Security and other benefits.
- Exercise rights of the settlor or grantor of a trust.

A durable power of attorney may be limited to authority over property and financial matters. If you want to authorize someone to make medical decisions for you or decisions to withdraw life-sustaining treatment when you are no longer able to do so, you should designate someone to act as your patient advocate.

8. Whom should I name as my agent?

You may name any adult (for example, a spouse, child, or other relative, or a friend) or you may name a bank; but you should select an agent who is willing to act and in whom
you have confidence and trust. Remember, your agent may be making important financial
and personal decisions for you.

9. Can I name more than one agent?
Yes, you can name two or more agents. If you do name more than one agent, you should
specify whether your agents can act independently or whether they must act jointly. If
you name two agents to act jointly, however, a deadlock may develop if they cannot
agree. Rather than naming two persons to act jointly, you could name one agent with an
alternate to act if the first agent cannot or will not act.

10. What are the agent’s obligations to me?
Your agent is obligated to follow your instructions and act in your best interests. The
agent should keep accurate records and accounts and act prudently. If your agent
improperly handles your affairs, he or she is legally responsible for damages to you.

11. What if my agent abuses the authority?
You can revoke the durable power of attorney or, if because of your incapacity, you are
unable to revoke it, anyone interested in your welfare can ask the probate court to
intervene and appoint a conservator to handle your affairs. The conservator can require
the agent to account and report, and can even suspend or revoke the durable power of
attorney. In addition, you (or your conservator) can sue your agent for damages caused by
the agent’s abuse of authority.

12. What are some problems with a durable power of attorney?
There is no guarantee that it will be accepted or recognized by third parties. For example,
if the purpose of the durable power of attorney is to deal with governmental agencies,
such as the Social Security Administration, the Veterans Administration, or the Internal
Revenue Service, one must either use the agency’s special power of attorney form, or
make sure that the durable power of attorney presented to the agency contains the special
wording required by each agency’s particular form.
Another problem occurs if you have an individual as your agent and he or she quits, dies or becomes incapacitated. In such event, if you haven’t named an alternate agent, there will be no one to act on your behalf. In order for a durable power of attorney to be workable, you have to give the agent a great deal of power and authority. Thus, you should be sure to choose someone you trust and have confidence in to handle your affairs.

13. What are some of the advantages of a durable power of attorney?

- You (not a court) select your agent.
- It can give you and your family some peace of mind knowing someone you have chosen will handle your affairs.
- It can save time and the expense of a court proceeding.

14. How do I go about getting a durable power of attorney?

It is recommended that you consult with a knowledgeable lawyer who can prepare a durable power of attorney to suit your needs and to advise you on its use. Everyone should consider the advantages of having a durable power of attorney. It’s an important part of estate planning.
What to Do When a Family Member Dies With Assets

Nine Frequently Asked Questions about Probate Administration of a Decedent’s Estate

State Bar of Michigan Probate and Estate Planning Section

Revised January 7, 2015
**Probating an Estate**

Probate is a court proceeding where a court-appointed person (often a family member) collects the assets titled in a decedent's name, pays the decedent's bills, and then turns what is left of the assets over to the decedent's beneficiaries under his will, or, if he or she has no will, to immediate family members or other relatives as spelled out in a Michigan statute for someone who does not have a will. The Michigan statute distributes assets for persons who die without a will. The distribution under the Michigan statute is spelled out below.

<table>
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<tr>
<th>Surviving Family Member</th>
<th>Intestate Share.</th>
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| **Spouse**              | 1. The entire estate if the decedent is only survived by his spouse and no parents or children survive.  
2. $217,000.00* (in 2014*MCL 700.2102) plus ½ of the balance if the decedent is survived by children.  
3. $217,000.00* plus ¾ of the balance of the estate if there are no surviving children and parents of the decedent have also survived, who shall receive the other ¼. |
| **Children and Grandchildren** | If there is no surviving spouse, then the estate (or the balance of the estate if there is a surviving spouse) is distributed equally among the surviving children. The shares of deceased children are distributed equally among the deceased children’s children. |
| **Parents** | If there is no surviving spouse and no children, the estate (or the balance of the estate if there is a surviving spouse and no children) is distributed to surviving parents equally. |
| **Siblings and Nieces or Nephews** | If there is no surviving spouse, children or parents, the estate is divided into equal shares for surviving siblings and deceased siblings leaving surviving children. The shares for surviving siblings are distributed to surviving siblings equally and the shares of all deceased siblings leaving surviving children are divided equally among those nieces and nephews. |
| **Grandparents** | If none of the above heirs survived, but grandparents survived, then to surviving paternal and maternal grandparents equally. The share of a deceased grandparent shall be divided into equal shares for the next generation surviving and for deceased members of that generation leaving children surviving. The shares shall be distributed equally to the members of the closest surviving generation and the shares of deceased members of that generation shall be shared equally by the members of the surviving generation of a deceased member of the closest surviving generation with living members. If only one side of maternal or paternal grandparents leaves descendants, that side receives the entire estate in the manner previously described. |
1. When is Probate Required?

Subject to a handful of exceptions listed below, probate is necessary when a person dies leaving property in his or her sole name (such as a house titled only in the name of the decedent) or has rights to receive property perhaps at some time in the future (such as an inheritance from someone else or a lawsuit where the decedent is or was a party). Four kinds of property can pass to a decedent's heirs without going through probate:

A. Property owned by the decedent and another person as joint tenants with right of survivorship will pass automatically to the surviving joint owner without going through probate (except in the case of certain joint bank accounts which are established with another person acting as agent for the decedent).

B. Property that has a beneficiary designation such as life insurance, pension benefits, payable on death (POD) bank accounts, and IRAs. These properties are payable on death, without probate, to the beneficiary designated by the decedent (or, if none, as designated in the contract or plan). Arrangements must be made with the company holding the property.

C. Property owned by a revocable trust is not considered as being owned in a decedent's name and does not go through probate. Instead, assets held in a trust are disposed of after death according to the instructions written in the trust document. This only applies to property actually titled in the name of the trust (e.g. John Doe, Trustee of the John Doe Trust dated xx/xx/xxxx). Property in a
decendent's name can be added later, through a "pour-over" will, but such assets require probate to make the transfer.

D. Property owned solely by the decedent that would otherwise require probate but by Michigan statute can be transferred to heirs without probate. Those notable exceptions include the following:

- **Unpaid wages.** Unless the employee filed a contrary request with his employer, a Michigan employer may pay the wages due a deceased employee to the employee’s relatives according to this order: spouse, children, parents, or siblings..

- **Cash up to $500* and wearing apparel.** A hospital, convalescent or nursing home, morgue, or law enforcement agency in Michigan holding cash not exceeding $500* and wearing apparel of the decedent may deliver that property to the decedent’s spouse, child, or parent who provides (i) suitable identification and (ii) an affidavit that states the person’s relationship to the decedent and that there are no pending probate proceedings. MCL 700.3981.

- **Traveler’s checks.** Most issuing companies (such as American Express) will redeem unused travelers checks following the death of the owner without requiring the appointment of a Personal Representative on submission of the checks, a death certificate, and an affidavit by the next of kin indicating to whom payment should be made.

- **Motor vehicle transfers.** If the combined value of one or more of the decedent’s motor vehicles does not exceed $60,000* MCL 257.236 and there are no probate proceedings, registration of title may be transferred by the Michigan Secretary of State to the surviving spouse or next of kin by following the instructions on the form TR-29 (including submitting a death certificate, the vehicle’s certificate of title if available, and certain other Michigan Secretary of State requirements).

- **Watercraft (over 20 foot – which requires title) transfers.** If the combined value of all of the decedent’s watercraft does not exceed $100,000,* and
there are no probate proceedings for the decedent's estate, registration of title may be transferred by the Michigan Secretary of State to the surviving spouse or next of kin upon submitting a death certificate, an affidavit of kinship, and the watercraft’s certificate of title. MCL 324.80312.

- **Income tax refund claims.** These may be collected without probate proceedings by filing the appropriate IRS or Michigan Treasury forms 1310, which are attached to tax returns for which a refund is due.
- **Transfer by affidavit.** Personal property with a value not exceeding $22,000* and held by some person or company may be transferred to a decedent’s successor by presenting a death certificate and an affidavit stating who is entitled to the property. *Note:* The $22,000* amount (MCL 700.3982) is for persons dying in 2014. It is recalculated each year based on cost of living increases.

* Various numbers above can be subject to changes for inflation. Numbers which determine the amounts of distribution in probate for family members, exempt property, or the size of a small estate can be found by year at the State of Michigan Website https://www.michigan.gov/documents/treasury/CostOfLivingAdjustmentsToEstatesAndProtectedIndividuals_345035_7.pdf. You may also be able to obtain numbers for these items from your local county probate office, or consult an attorney.

### 2. Can I Be the Personal Representative?

A Personal Representative is a person appointed by the court to act on behalf of the estate and who is able to control or manage any of the assets in the Decedent's name. The Personal Representative is responsible for carrying out the duties and responsibilities described in this pamphlet. The person who can be appointed Personal Representative is the person highest on the following list:

- A person named in the Will to be Personal Representative
- A surviving spouse if he or she is a devisee under the Will
- Other devisees under the Will
- The surviving spouse if he or she is not a devisee under the Will
Other heirs of the decedent

42 days after the date of death, the nominee of a creditor approved by the probate judge

3. How Quick is Probate?

Other than small estates discussed below, a probate estate cannot be closed in less than five months from the date creditors are notified in the newspaper, (although probate courts generally follow a five month rule). The assets of an estate cannot be distributed to the heirs until creditors of the decedent have been allowed to file their claims. Creditors have to be notified either by:

- A general "notice to creditors" that has been published in an appropriate newspaper indicating that creditors have 4 months to file their claims; or
- By a notice sent to known creditors during the 4 month period, giving a known creditor the later of the 4 month period from publication or one month after they receive the notice. During the four month period after publication, the Personal Representative (see above "What is a Personal Representative and Can I be a Personal Representative") is obligated to send notices to known creditors and if creditors do not file their claims within the required time period, ordinarily, they cannot collect on their claims. If a creditor is discovered in the last 28 days of the four month period, the Personal Representative has 28 days after that discovery to notify a known creditor.

There are two types of small estate proceedings that do not require notice to creditors.. In both proceedings, estate assets left over after expenses are paid to individuals defined by statute. Here are the two types of small estate proceedings. Either one or the other may apply to the decedent’s estate.

A. The $22,000.00 Small Estate. The first type of small estate proceeding applies to those cases where all of the real and personal property owned by the decedent has a total value equal to or less than the sum of the following: (1) the funeral expenses plus (2) 22,000* (MCL 700.3982). Note: The $22,000* amount is for persons dying in 2014. It is recalculated each year based on cost of living increases.
Upon presentation of a petition and payment of the filing fee, the probate court may order that the funeral expenses be paid, or, if they have not been paid, be assigned to the surviving spouse, or if none, to the decedent’s heirs under Michigan’s law of intestate succession. No court hearing is held. During the 63 day period following the court’s assignment of the property, if the heir or heirs are not the decedent’s surviving spouse or minor child, they will be responsible for any unsatisfied debt of the decedent up to the value of the property received. If children of a decedent receive assets and they are not minors, there is a $14,000.00* (MCL 700.2404) exemption amount that is protected from the claims of creditors. The exemption amount is subject to inflationary adjustment. It is allocated to the spouse and the children based on their percentage of the assets.

B. Larger Small Estate Proceedings When Spouse or Minor Children are Heirs.
For somewhat larger estates, a second kind of small estate summary proceeding may be available in those cases when the decedent is survived by his or her spouse or minor/dependent children. If, upon preparation of the estate’s inventory, the value of the estate is less than the sum of all of the following:

- All mortgages and liens,
- The homestead allowance of $22,000* (MCL 700.2402)
- The exempt property up to $14,000,* (MCL 700.2404)
- The family allowance up to $26,000.* (MCL 700.2405), and
- The funeral, last illness, and administrative expenses.

When the sum of the estate is consumed by these expenses, the Personal Representative (see above "What is a Personal Representative and Can I be a Personal Representative") may pay the secured creditors and then turn over the balance of the estate to the surviving spouse (or, in some cases, to the conservator for the minor children). The Personal Representative may then close the estate without further delay.

If the small estate proceedings do not apply, then notice to creditors must be published. In that case, the probate process can go one of two ways: (1) Unsupervised administration is begun by
filing either an application or petition with the probate court. (2) Supervised administration is begun by filing a petition that includes a request for supervision.

A. **Unsupervised Administration** permits the Personal Representative (see above "What is a Personal Representative and Can I be a Personal Representative") to act in a manner independent of the court unless intervention is requested by the Personal Representative (See above "What is a Personal Representative and Can I be a Personal Representative") or an interested person (such as an unpaid creditor or an estate beneficiary). This form of administration is generally preferred unless there is a specific reason to request the court’s supervision of the estate. There is less court involvement and fewer details about the estate are included in the court’s file. There is more privacy in an unsupervised administration.

B. **Supervised administration** requires the probate court’s review and approval of many estate activities. The court will do all of the following:

- approve the sale of the decedent’s real estate (unless the decedent’s will authorizes the Personal Representative (See above "What is a Personal Representative and Can I be a Personal Representative") to do so),
- authorize the payment of Personal Representative and attorney fees, prior to payment
- review the Personal Representative’s accounting of all receipts and disbursements, and
- approve all distributions to heirs (people receiving property from the estate if there is no will) and devisees (people receiving property under a will).

While the court’s involvement frequently adds to the time and expense of administering an estate, the court’s supervision will likely afford greater protection to the Personal Representative and the other interested persons against losses and claims. For example, a Personal Representative may ask for supervision if the best offer for the sale of real property is below the assessed value.
4. What Should the Family do Immediately?

Immediately following death and before a Personal Representative is appointed, the following steps should be undertaken by members of the decedent’s family. Initial responsibilities of the family in all cases include all of the following:

- Make funeral arrangements and order sufficient copies of the death certificate. Before appointment, the Personal Representative named in the will may carry out the written instructions of the decedent relating to the decedent’s body as well as funeral and burial arrangements.

- Determine the existence and location of the decedent’s will and provide for safeguarding the decedent’s important documents. Anyone who has the original will has a duty to file it with the probate court.

- Obtain the names and addresses of the decedent’s heirs and all persons named in the will.

- Obtain a list of the decedent’s property and note how each property is held, e.g., sole name, in trust, joint names, or beneficiary designated such as life insurance policies, individual retirement accounts, assets in an employee benefit plan or accounts that have a beneficiary designation.

- Secure and properly insure the decedent’s home and business.

- Record all funeral and estate related expenses incurred.

- Determine whether a probate proceeding is necessary for the decedent’s estate.

In order to protect the estate, the Personal Representative should not let anyone use the decedent’s property before distribution. This is particularly important for cars.

A Personal Representative nominated in a decedent’s will has no authority to act on behalf of the estate until he or she is appointed by the court (as evidenced by its issuing letters of authority). However, if there is a problem or dispute prior to the court’s appointment of the nominated Personal Representative, the court can quickly appoint that person (or another) as a special
Personal Representative to act on an interim basis for the purpose of preserving estate assets, obtaining the original will, or pursuing certain legal rights.

**Agencies that need to be notified as soon as possible regardless of whether there is a probate estate:**

- **Social Security Administration** 800-772-1213 Find out if survivor benefits are available.
- **Veteran’s Administration** 800-827-1000 Find out if veterans benefits are available for a veteran.
- **Office of Personnel Management** 888-767-6738 Report death of a federal civil service employee) or retiree receiving retirement benefits.
- **Michigan State Department of Motor Vehicle** General Information Phone Number 888-767-6424 if decedent had a Michigan driver’s license or Michigan identification card.
- **Financial Companies and Insurers** Contact the credit card and merchant card companies. This is important if there are automatic payments drawn from bank accounts. If there are automatic withdrawals or transfers between accounts, then contact the banks, savings and loan associations, and credit unions to report the death and to discontinue the decedent’s instructions for automatic withdrawals and transfers. The death should be reported to mortgage companies, lenders, financial planners, stockbrokers, pension providers, life insurers, annuity companies, and insurers of all kinds including health, medical, dental, disability and automotive insurance companies to obtain the proper forms to collect benefits for survivors or to discontinue premium payments for the deceased.
• **Credit Reporting Agencies** There are three national credit reporting agencies which you should notify of the death and instruct them to list all accounts as: “Closed. Account Holder is Deceased.” You may also request a credit report to obtain a list of all creditors and to review recent credit activities. Provide them a letter signed by you with your name, address, phone number, your relationship to the decedent, the decedents name, address, date of death, date of birth, location of birth, social security number, prior addresses for the last 5 years in chronological order, and that you want them to post in the decedent's credit report that they are deceased and that no credit should be issued. You may also want to request a credit report. The addresses and phone numbers are:

- Experian, 888-397-3742, P.O. Box 9701, Allen, Texas 75013.
- Equifax, 800-525-6285, P.O. Box 105069, Atlanta, Georgia 30348.
- TransUnion, 800-680-7289, P.O. Box 6790, Fullerton, California 92834.

• **Memberships** You should contact and cancel any memberships in the event there is a refund or in the event there are automatic renewals, including clubs, video rental organizations, alumni clubs, health and athletic clubs and professional organizations or unions.

5. **What do I do if I am Appointed Personal Representative?**

Generally, a Personal Representative (see above "What is a Personal Representative and Can I be the Personal Representative") has many duties to carry out while holding the decedent’s property for the estate’s interested persons. The estate’s interested person may include creditors, tax authorities, and beneficiaries.

A Personal Representative must not only be honest and impartially fair but must also be diligent, responsible, and prudent in completing their legally imposed obligations.

A Personal Representative has a duty of loyalty and cannot use estate assets for personal benefit. While a Personal Representative will likely employ an attorney or other professionals to assist with estate administration, the Personal Representative is still ultimately responsible for “getting the job done”—regardless of whether administration is supervised or unsupervised. It is very
important that a Personal Representative timely communicate with and respond to any inquiries of beneficiaries and others who have an interest in the estate as it progresses.

A Personal Representative is required to carefully manage the estate’s assets. Basically, a Personal Representative must achieve a reasonable rate of return from interest, dividends, and rent on the estate’s assets, with a minimum of risk, while prudently preserving estate values.

For example, leaving substantial funds in a non-interest bearing checking account for an unreasonable length of time or investing estate assets in a highly speculative venture may be improper. The kinds of permissible investments are dictated by Michigan’s Prudent Investor Rule and past court decisions, the decedent’s will and by orders of the probate court. Typically, acceptable investments include insured bank accounts and certificates of deposit, money market accounts, and good quality publicly traded stocks and bonds.

**Initial Responsibilities of the Personal Representative.** After appointment by the court and receiving the letters of authority, the Personal Representative should do all of the following:

- Open and inventory the decedent’s safe deposit boxes in the manner provided by law.
- Within 14 days of appointment or retention of an Attorney, whichever is later, the Personal Representative must send a “Notice of Attorney Fees” to the people affected by payment of attorney’s fees (heirs and creditors).
- Within 28 days after appointment the Personal Representative should give notice to the surviving spouse that he or she can elect to take their intestate share (reduced by outside inheritance such as joint property or insurance) instead of what is provided to the spouse under the will. Or, if the spouse is a widow, she can elect to take her dower right.
- Send copies of all court filed papers and a copy of the will (if there is one) to the parties named in the will and to the intestate heirs.
- Set up an accurate system to record all estate transactions.
- Arrange for forwarding of decedent's mail.
• Collect dividends, interest, rents, and other income from businesses or other property owned by decedent.

• Determine insurance, social security, pension, veteran, or other benefits payable to the estate or its beneficiaries.

• Give required notice to creditors to the creditors of the estate.

• Obtain possession of all known assets of decedent on behalf of the estate.

• Confer with family, business associates, and others who may know of the decedent’s property.

• Review the insurance on decedent’s property and obtain, increase, and renew casualty and liability coverage as needed.

• Maintain any business or venture owned by decedent.

• Examine the decedent’s records and tax returns for income patterns that may indicate there are additional assets.

• Value those estate assets having readily ascertainable values.

• Examine real estate leases and mortgages and determine their effect on asset valuations.

• Employ appraisers if necessary to determine the value of real estate, antiques, art collections, or other assets without easily ascertained value. An appraisal listing the contents of decedent’s home is normally needed for applicable death taxes.

• If decedent owned property in other states, arrange for ancillary administration as necessary.

• Carefully prepare the estate inventory reflecting the date of death holdings and values. Send a copy to the estate’s beneficiaries.

**Other Responsibilities of a Personal Representative.** During and after assembly of the estate’s assets, the Personal Representative should also:
• Starting as early as possible, plan to meet ultimate obligations of taxes, claims, administration expenses, allowances, and distributions.

• Process payment of all valid claims of creditors and give notice to those whose claims are being disallowed (if the estate may be insolvent, extreme care must be taken to follow legal standards to prioritize claims before payment is made).

• Provide for distribution of exempt property and allowances to the decedent’s spouse, minor children, and others who were in fact supported by decedent.

• Operate decedent’s business(es) if it will benefit the estate and if authorized to do so by the court or by decedent’s will.

• Maintain prudent investment and business practices; carefully record all investment transactions.

• Follow legal requirements when any sale of assets is necessary.

• Obtain clearances from both federal and state taxing authorities.

• Prepare annual accountings (which reflect all estate transactions) and send copies to the estate’s beneficiaries.

**Tax Returns.** From the beginning, a Personal Representative must be mindful of the need to file tax returns, both for the decedent and the estate. Failure to timely file a return and pay any tax when due may subject the Personal Representative to personal liability for any interest, penalties, and possibly the tax itself. The following returns may be required:

• Decedent’s federal, state, and city final income (or intangibles tax returns in other states) (typically due in April following the calendar year of death).

• Gift tax returns are due for gifts in excess of $14,000.00* to a single person. Use IRS Form 709. It must be filed on April 15 of the year following the calendar year of death or the due date of the estate tax return, whichever is earlier. This number is for 2014, and it is adjusted for inflation from year to year.
• Federal, state, and city business, sales, and/or payroll tax returns may be due. Make sure that these are marked as "FINAL RETURN," or you will continue to receive notices expecting them to be filed.

• Federal information returns such as IRS Forms 1096 and 1099 may need to be issued from the decedent to individuals who received payment from the decedent.

• Federal estate tax returns may need to be filed if the decedent’s probate and other property interests exceed the federal estate tax exemption amount. IRS Form 706 is due nine months after death, unless extended.

6. When Can I Distribute Assets and Close The Estate?

Before distributing estate assets to the heirs, the Personal Representative must be certain that all charges against the estate have been provided for or satisfied. To the extent there are insufficient assets, amounts distributable to certain beneficiaries may be reduced or eliminated. If there is a question of interpreting the decedent’s will or the laws of intestate succession (when there is no will - see above "What is Probate for a Decedent"), obtaining court approval of a proposed distribution may be necessary.

Prior court approval is required for estates in Supervised Administration (see above about Supervised Administration) before distributing any assets to estate beneficiaries. Also, a complete or final distribution should not occur until after all tax returns and necessary tax clearances have been secured. Receipts from the estate beneficiaries and a final accounting may be required to close the estate.

7. Who Pays The Attorney’s Fees?

Like all expense on behalf of the estate, fees for engaging an attorney and other professional services are paid by the Estate. Most persons appointed as a Personal Representative do not have the technical expertise to carry out all of the responsibilities in handling the estate. Often it will be advisable for a Personal Representative to retain the professional assistance of an accountant, attorney, bank trust department, or investment counselor. The fee to be charged by an attorney must be discussed, understood, and agreed to in writing. A copy of the writing must be provided to all interested persons. Fees to be paid to other professionals should also be discussed and
agreed to in the same manner although a copy of these other fee agreements need not be provided to others. Also, the role to be assumed by each professional should be expressly defined and monitored throughout the estate’s administration.

8. **Can the Estate Pay the Personal Representative?**

In Michigan, there are no fee schedules or formulas for computing the amount of compensation for a Personal Representative’s services. The law requires that a Personal Representative’s fee be just and reasonable, using six factors to determine what is a just and reasonable fee:

- **The time expended to complete administration of the estate.** More and more, both the quantity and quality of the time spent by the Personal Representative is a significant factor. For this reason, each Personal Representative should log the amount of time spent each day on estate matters and include a detailed description of the services performed.

- **The professional expertise required.** Higher Personal Representative fees are justified if the Personal Representative’s work entails a greater level of expertise and skill. However, whenever the work is performed by professionals, lower Personal Representative fees are appropriate. Any time the estate’s work is performed by professionals, the professionals charge the estate for professional services and the Personal Representative’s fees are adjusted accordingly.

- **The nature, number, and complexity of the estate assets.** A Personal Representative is justified in receiving higher fees in those estates with diverse, numerous, and/or unique assets because they require more time and effort to collect and manage.

- **The makeup of parties who are interested in the estate.** A greater number of creditors and beneficiaries of an estate will generally cause more questions, communications, and coordination. Likewise, interested parties whose actions are adversarial or who are uncooperative may be a basis for higher Personal Representative fees.
• **The extent of the responsibilities and risks assumed.** The total dollar value of the estate’s assets is some measure of the responsibilities and potential loss exposure undertaken by the Personal Representative. The size of an estate is an important factor in determining reasonableness of the Personal Representative’s fee. For example, all else being equal, an estate valued at $200,000 warrants a higher fee than an estate valued at $50,000. Also, the extent of work required is an important factor. For example, in addition to assuming responsibility for a decedent’s assets, a Personal Representative may also be required to carry out or respond to transactions engaged in or events that occurred before the decedent’s death. This additional work is a basis for charging a larger fee.

• **The results obtained in administering the estate.** Favorable results in the investment and disposition of estate properties, minimizing estate expenses, and timely execution of responsibilities by the Personal Representative are also bases for a larger fee.

9. **Can the Estate Remove a Personal Representative (PR)?**

The probate court has the authority to remove a Personal Representative who fails to perform his or her duties properly and in a timely manner. Any interested person or the court itself may commence proceedings to remove a Personal Representative or to compel compliance. A Personal Representative may be found personally liable for losses caused by errors or omissions or by the failure to act quickly, prudently, or fairly.
Who Has Authority to Act on Behalf of an Incapacitated Individual?

Nine Frequently Asked Questions about Acting for Adults Who Are Incapacitated

State Bar of Michigan Probate and Estate Planning Section

Revised January 7, 2015
The Incapacitated Individual. Every year, some adults become unable to conduct their personal affairs or manage their finances due to incapacity. This incapacity may be due to a physical condition, cognitive deficit or incapacity, mental or physical illness, chronic drug or alcohol abuse, or a serious accident. This pamphlet will describe ways that adults can plan for incapacity so that there is someone in place to handle their finances and make medical decisions on their behalf in the event they become incapacitated. It also describes who has the authority to act on their behalf in the absence of such advance planning.

There are two ways a person can authorize another person to act for him or her. Before an individual becomes incapacitated, he or she can:

• appoint another person to handle financial or medical matters by appointing an “agent” through a “durable power of attorney” (a durable power of attorney for financial matters and/or a patient advocate designation for medical and other care decisions), and, additionally,

• create a trust for his or her assets and appoint a trustee to handle trust assets.

In the case of a durable power of attorney for financial matters, an individual authorizes one or more individuals or a bank to act as his or her agent (sometimes referred to as “attorney(s) in fact”). The durable power of attorney instrument will state the nature and extent of the powers given the agent. For decisions about medical treatment and other types of personal care decisions, an individual may execute a medical durable power of attorney (called a “patient advocate
designation” in Michigan) and name a person (the “patient advocate”) to make medical treatment and other care decisions if he or she becomes unable to do so. Often, both a financial and medical care power of attorney are used because each instrument authorizes someone to help in different ways. More information on these important alternatives is contained in The Durable Power of Attorney and Patient Advocate Designation pamphlets published by the Probate and Estate Planning Section of the State Bar of Michigan.

What happens if an individual become incapacitated, but has not legally appointed another person to handle matters for him or her? In that case, the Probate Court may appoint a guardian to take care of his or her personal care needs and/or a conservator to manage his or her finances and property. The same person may be appointed for both roles. The appointment of a guardian or conservator is a serious matter. It involves the time and expense of a court proceeding. It also changes the individual’s legal ability to handle matters himself or herself.

1. Who are Incapacitated Individuals?

In Michigan, adults who are “incapacitated” generally fall into two categories:

- individuals whose incapacity occurs during adulthood, and
- individuals who have developmental disabilities, which in addition to other requirements, must occur before the age of 22 (guardians for persons with developmental disabilities are appointed through a specialized procedure under the Mental Health Code).

This pamphlet focuses on those individuals that fall into the first category and who meet the following definition of incapacity:
Impaired by reason of mental illness, mental deficiency, physical illness or capacity, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.

2. Who Has Authority to Make Care and Custody Decisions for Incapacitated Individuals?

Alternatives to Guardianship

Often a spouse or other family member informally makes decisions for an incapacitated individual. Alternatively, before an adult becomes incapacitated he or she may appoint a patient advocate to make his or her medical care decisions. This is done in a medical power of attorney that is also called a Patient Advocate Designation. The patient advocate has authority to legally act on the incapacitated individual’s behalf after the individual has been determined to be incapable of participating in medical care decisions.

Appointment of a Guardian

If there is no other way for decisions to be made on an individual’s behalf or to provide for his or her care and supervision, the incapacitated individual or another person interested in his or her welfare, may request guardianship by filing a petition with the probate court. The petition must be filed in the probate court in the county in which the individual resides or is present. The petition for appointment of the guardian must contain specific facts about the individual’s condition and recent conduct that demonstrate a need for assistance. Before a guardian may be appointed, the court must hold a hearing and find by clear and convincing evidence that:

- the individual meets the definition of an incapacitated individual (quoted above); and
- the appointment of a guardian is necessary to provide continuing care and supervision for the individual.

The law requires that the individual who is the subject of the petition be personally served with notice of the hearing (and he or she may object to the appointment of a guardian). There is a
right to trial by jury and a hearing closed to the public. If the individual wishes to contest the petition, the court must appoint an attorney for him or her, unless he or she is already represented by his or her legal counsel. In addition, the individual’s spouse, as well as a person named as the individual’s attorney-in-fact in a durable power of attorney, and the children (or, if none, the parents) of the individual must be notified of the hearing and are likewise entitled to object to the appointment of a guardian. The probate court by law must appoint a “limited guardian,” rather than a full guardian, if the individual is legally incapacitated and lacks the ability to do some, but not all, required tasks.

The law also provides that unless an individual who is the subject of the petition is represented by his or her counsel, the court must appoint a guardian ad litem (GAL). Among other duties, the GAL must

- personally visit the individual;
- explain to the individual the nature, purpose, and legal effects of the appointment of a guardian as well as the individual’s rights at the hearing;
- inform the individual of the name of the person(s) seeking appointment as guardian; and
- submit a report to the court.

The court may appoint a physician or mental health professional to examine him or her and submit a detailed report to the court. An individual has a right to an independent evaluation at public expense if he or she is indigent.

Any competent person or a professional guardian may be appointed as guardian – although the court will give preference to a person the individual has nominated, a person designated in the individual’s durable power of attorney or, if none, to the individual’s spouse, adult child, parent, or relative with whom the individual resided for over six months. As a general rule, the closer the family relationship, the higher the priority for appointment as the individual’s guardian.
3. What are the Powers and Duties of a Guardian?

Michigan’s Estates and Protected Individuals Code determines the powers and duties of a guardian. Generally, a “full” guardian is responsible for the individual’s care, custody, and supervision. The guardian must also try to restore the individual to independence. Depending on the powers included in the letters of guardianship, the guardian may be responsible for making medical or other professional care and treatment decisions. However, if the person already appointed a patient advocate, the patient advocate still makes medical decisions, unless removed from those responsibilities by the court. The guardian is not liable to other people for the individual’s acts. Each year, the guardian must file a report with the probate court where the appointment took place and give a copy to the individual and all “interested persons” (as defined by Michigan Estates and Protected Individuals Code).

If there is no conservator appointed, the guardian may receive limited amounts of funds and hold certain personal possessions on behalf of the individual. Such sums or possessions can be used for the individual’s support, care, and education without the appointment of a conservator. The condition of the individual's estate must be included in the annual report of guardian if within the guardian's control.

Under limited circumstances, and only after direct communication with the individual, if possible, and the individual's attending physician, a guardian may execute, reaffirm, or revoke a do-not-resuscitate order on behalf of an individual.

4. How is a Guardian Compensated?

A guardian may be compensated from the individual’s assets. The amount of compensation will depend upon the amount of time spent by the guardian, the nature of services provided, the amount of available funds, and the individual's specialized needs. The court will only authorize just and reasonable compensation for a guardian’s services.
5. Who Has Authority to Make Decisions Regarding the Financial Interests of an Incapacitated Individual?

If an individual becomes incapacitated to the extent that he or she cannot effectively manage his or her financial affairs, someone else will need to handle these issues for the individual. A durable power of attorney can be an excellent tool to provide for management of property and avoid the appointment of a conservator if an individual becomes incapacitated. Assets held in a trust for the individual’s benefit are not usually subject to probate court conservatorship proceedings if the individual becomes incapacitated, as long as there is a trustee other than the individual in question to administer the trust. These assets continue to be managed by the trustee without need for probate court or involvement of a conservator, even if one is appointed to handle assets outside the trust. An individual may set up a trust for his or her own benefit (usually in the form of a revocable trust). Likewise, someone else (a “third party”) may establish a trust for another person using the third party’s assets. For example, a parent might create a trust for a child. Regardless of who establishes the trust, assets are owned by the trust and managed by the trustee for the benefit of the person named in the trust (the “beneficiary”). Trusts can be structured in many different ways. Consult with an attorney experienced in this area of law for more information.

Another alternative is the use of joint bank accounts. Both parties to a joint bank account (to which Social Security and other payments may be directly deposited) can use account funds, even if one person is incapacitated, without court action. However, joint bank accounts should be used very cautiously because when an individual names someone as a joint owner on his or her bank account, the joint owner has the power to remove all of the account funds. Adding a joint owner also subjects the account to claims made against it by the joint owner’s creditors. There are also gift tax issues with adding another as a joint owner of one’s bank accounts. Consult with an attorney experienced in this area of law for more information.

In addition, Social Security benefits (including retirement benefits, disability and supplemental security income (SSI)) may be paid to another person (called a “representative payee”) designated through the Social Security Administration. The representative payee must ensure that those monies are used for the individual’s benefit. If these benefits are the individual’s sole
source of income, the designation of a “representative payee” provides a means for managing that income without court involvement.

If none of the above arrangements have been made, or the arrangements that are in place are not adequate to handle an individual’s financial and property issues, the Probate Court may enter certain "protective orders" or appoint a “conservator” to handle his or her financial affairs. Whether a proceeding in the probate court for the entry of a protective order or appointment of a conservator is appropriate depends on the extent and nature of individual’s incapacity, as well as the extent and nature of the individual’s financial interests.

**Appointment of a Conservator**

The probate court may appoint a conservator for an individual after it holds a hearing and determines that:

- the individual is unable to manage his or her property and business affairs because he or she has a mental illness, mental deficiency, physical illness or disability, is a chronic drug user or chronically intoxicated, confined, or detained by a foreign power or has disappeared, and
- the individual has property that will be wasted or dissipated unless proper management is provided, or money is needed for the individual’s support, care, and welfare or for those entitled to his or her support, and that protection is necessary to obtain or provide money.

Conservatorships are often for an indefinite duration and involve the management of the individual’s financial property and affairs.

When only a single transaction requires attention, the probate court may enter a protective order to accomplish this one-time matter, without appointing a continuing conservator. For example, in a long-term marriage, the court may decide that adequate protection is provided by transferring all marital assets to the spouse who can still manage financial affairs, or the court may allow for assets titled to a single individual be transferred to the trustee of their revocable trust for management under the trust. Before such an order may be entered, the court will conduct the same hearing and make the same findings required for a conservatorship.
Under Michigan law, conservatorship proceedings may be initiated by:

- an individual for his or her own benefit;
- anyone who is interested in an individual’s estate, affairs, or welfare (including a parent, adult child, guardian or custodian); or
- anyone who would be adversely affected by a lack of effective management of an individual’s property or business affairs.

If an individual is mentally competent but, due to age or physical infirmity, desires a conservator to assist in the management of property and affairs, only that individual may petition the court for a conservator. An individual may obtain the same type of assistance, without court involvement, by executing a durable power of attorney or creating a living trust while he or she is competent.

Like a guardianship proceeding, the procedure for appointment of a conservator requires that notice of the hearing be given to the individual personally. Notice must also be given to:

- the individual’s children or, if none, to parents (or otherwise to his or her presumptive heirs);
- an individual’s agent (an “attorney in fact”) under a durable power of attorney;
- the nominated conservator;
- a government agency paying benefits to the individual or before which an application for benefits is pending; and
- the U.S. Administrator of Veterans’ Affairs if the individual is receiving or entitled to VA benefits.

The court hearing has many of the same safeguards and protections as a hearing on a guardianship as described above. There will also be a court-appointed GAL to review the accounts and petitions filed by the conservator during the conservatorship. The fees of the GAL are paid from the individual’s assets.
The conservator appointed by the court may be an individual or a professional conservator. Although Michigan law lists the priorities for appointment, the probate court, for good cause, may choose a person without priority or with lesser priority.

6. What are the Powers and Duties of a Conservator?

If a conservator is appointed, that conservator is responsible for the collection, preservation, and investment of the individual’s property and must use the property for the support, care, and benefit of the individual and his or her dependents. A conservator has a duty of loyalty and may not use any of the individual’s assets for the conservator’s personal benefit. The court may require the filing of a “fiduciary bond” to provide protection for the individual in case there is loss caused by the wrongful actions of the conservator.

The conservator must review all of the individual’s records and assemble a list of his or her properties, debts, charge accounts, and credit cards. Stores and companies of which the individual has been a customer, including credit card companies, should be notified of the conservator’s appointment. Within 56 days after being appointed, the conservator must file with the probate court an inventory of all of the individual’s properties. A copy of the inventory must be sent to all interested persons, the same people entitled to notice of a hearing for appointment of a conservator. The conservator must maintain careful records, and all payments from the individual’s funds or other property should be evidenced by proof of payment or a receipt (with a notation of the purpose of the disbursement).

The nature of investments made by the conservator on the individual’s behalf, as well as the amount of funds expended for the individual’s benefit, should be based on:

- the size of the estate;
- the probable duration of the conservatorship and the likelihood that, sometime in the future, the individual may be fully able to manage his or her own affairs;
- the accustomed standard of living for the individual and members of his or her household; and
the availability of other funds for his or her support.

In addition, Michigan law instructs a conservator to consider the individual’s estate plan in making investments and distributions. Therefore, it is important for everyone to establish a written estate plan while he or she is able to do so. The conservator should examine the individual’s will, trust agreement, and even informal estate plan arrangements (such as joint bank accounts, life insurance policies and their beneficiary designations) and not take any inconsistent actions without prior court approval.

Each year, the conservator must file with the court for its review an itemized accounting that shows all receipts, disbursements, and distributions, as well as all remaining cash and property. Copies of the accounting must be sent to the interested persons before the court approval hearing. The conservator may also be required to file federal, state, and city income tax returns for the individual each year.

7. How is a Conservator Compensated?

Like a guardian, a conservator is entitled to just and reasonable compensation for services. In approving a conservator’s fee, the court will usually consider the following six major factors:

- the time expended by the conservator (it is important that the conservator who wishes to be compensated keep accurate time records and be able to demonstrate to the court that the services were both necessary and beneficial);
- the professional expertise and skill required;
- the nature, number, and complexity of assets;
- the makeup of parties who are interested in the conservatorship;
- the extent of the responsibilities and risks assumed; and
- the results obtained in administering the property.
8. Can Guardianships and Conservatorships be Modified or Terminated?

An individual may request a modification or termination of his or her guardianship or conservatorship at any time. A request to modify or terminate the conservatorship may be filed by the conservator or any other person interested in the individual’s welfare. The request is made by filing a petition with the probate court, or, in the case of guardianship, may be made by an informal letter to the court or judge. Copies of the petition must also be served on all interested persons, including the individual (in other words, those who would be entitled to notification of a guardianship or conservatorship petition filed at that time) as well as the guardian or conservator. A hearing is then held on the petition. The same procedural protections are available at a hearing for modification as are available at the initial hearing on the appointment. The court may find that the individual’s condition has improved or worsened, in which case the guardian’s or conservator’s responsibilities could be decreased or increased. If the court terminates the guardianship or conservatorship, the powers and authority of the guardian or conservator expire. The guardian or conservator will then be required to return all of the property to the individual. The conservator must also file and have approved by the court a final accounting through the time the last of the property is returned to the individual.

9. Do I Need the Assistance of an Attorney or Other Professionals?

Many people who take on a fiduciary role for an incapacitated person do not have the technical expertise to carry out all of the responsibilities and duties. In many instances, it will be necessary for such a person to retain the professional assistance of an attorney, accountant, bank trust department, investment counselor, family counselor, or other professional. It is important that the professional’s proposed fee (whether it will be a fixed amount, an amount based on time and effort expended, a percentage, etc.) be discussed, understood, and agreed upon in advance – preferably in writing. In any event, these fees will be subject to the approval of the probate court. The role to be assumed by each professional should be expressly defined and monitored by the guardian or conservator throughout the period the services are being rendered. While the services of one or more professionals may have been retained, the guardian or conservator is still required by law to see that their responsibilities are properly performed. Reliance on the improper actions
of a professional will not necessarily prevent personal liability on the part of the guardian or conservator for misdeeds or oversights.
Below are bills that PAA has identified for Council of Probate Section of State Bar of MI

**H 4264**  
Title: **Vulnerable Adults**  
Author: Leonard  
Introduction: 2/14/2013  
Enacted: 5/21/2013  
Location: Chaptered  
Summary: Allows consecutive sentencing for financial exploitation of vulnerable adults.  
Status: 02/14/2013 INTRODUCED.  
02/14/2013 To HOUSE Committee on JUDICIARY.  
03/14/2013 From HOUSE Committee on JUDICIARY: Reported with recommendation.  
03/20/2013 In HOUSE. Read second time. To third reading.  
03/21/2013 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.  
04/09/2013 To SENATE Committee on JUDICIARY.  
04/17/2013 From SENATE Committee on JUDICIARY: Recommended passage.  
05/02/2013 In SENATE. Read second time. To third reading.  
05/07/2013 In SENATE. Read third time. Passed SENATE.  
05/07/2013 Ordered Enrolled.  
05/09/2013 *****To GOVERNOR.  
05/21/2013 Signed by GOVERNOR.  
05/21/2013 Public Act No. 34

**H 4301**  
Title: **Individual Income Tax**  
Author: Townsend  
Introduction: 2/21/2013  
Location: House Second Reading  
Summary: Clarifies limitations and restrictions on retirement income deductions for a surviving spouse.  
Status: 02/21/2013 INTRODUCED.  
02/21/2013 To HOUSE Committee on TAX POLICY.  
12/03/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation with substitute. (H-2)  
12/03/2014 In HOUSE. To second reading.

**H 4382**  
Title: **Do Not Resuscitate Orders**  
Author: Cotter  
Introduction: 3/6/2013  
Enacted: 11/5/2013  
Last Amend: 4/17/2013  
Location: Chaptered  
Summary: Requires a declarant's patient advocate to date and sign a do-not-resuscitate order; provides
that a guardian may execute a do-not-resuscitate order on behalf of a ward.

**H 4383**  
**Title:** Do Not Resuscitate Orders  
**Author:** LaFontaine  
**Introduction:** 3/6/2013  
**Enacted:** 11/5/2013  
**Last Amend:** 4/17/2013  
**Location:** Chaptered  
**Summary:** Amends the Adult Foster Care facility Licensing Act; revises citation to do-not-resuscitate orders.

**Status:** 03/06/2013 INTRODUCED.  
03/06/2013 To HOUSE Committee on JUDICIARY.  
04/11/2013 From HOUSE Committee on JUDICIARY: Reported with recommendation.  
04/11/2013 In HOUSE. To second reading.  
04/17/2013 In HOUSE. Read second time and amended. To third reading.  
04/18/2013 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.  
04/23/2013 To SENATE Committee on JUDICIARY.  
05/22/2013 From SENATE Committee on JUDICIARY: Recommended passage.  
05/22/2013 In SENATE. To second reading.  
10/22/2013 In SENATE. Read second time. To third reading.  
10/23/2013 In SENATE. Read third time. Passed SENATE.  
10/23/2013 Ordered Enrolled.  
10/25/2013 *****To GOVERNOR.  
11/05/2013 Signed by GOVERNOR.  
11/05/2013 Public Act No. 155

**H 4384**  
**Title:** Do Not Resuscitate Order  
**Author:** Kurtz  
**Introduction:** 3/6/2013  
**Enacted:** 11/5/2013  
**Last Amend:** 10/29/2013  
**Location:** Chaptered  
**Summary:** Clarifies guardian's authority to consent to a do-not-resuscitate order and provides procedure.

**Status:** 03/06/2013 INTRODUCED.  
03/06/2013 To HOUSE Committee on JUDICIARY.  
04/11/2013 From HOUSE Committee on JUDICIARY: Reported with recommendation.  
04/11/2013 In HOUSE. To second reading.
Title: **Digital Court Records**
Author: Price
Introduction: 3/12/2013
Location: House Judiciary Committee
Summary: Allows digital court records and electronically filed court papers in every state court and provides for electronic signatures.
Status: 03/12/2013 INTRODUCED.
03/12/2013 To HOUSE Committee on JUDICIARY.

Title: **Digital Court Records**
Author: Rutledge
Introduction: 3/12/2013
Location: House Judiciary Committee
Summary: Gives same force and effect to reproduction of digital court records and electronically filed court papers as original for purposes of admissibility into evidence if authenticated.
Status: 03/12/2013 INTRODUCED.
03/12/2013 To HOUSE Committee on JUDICIARY.

Title: **Court Records**
Author: Lane
Introduction: 3/12/2013
Location: House Judiciary Committee
Summary: Allows courts to provide electronic access to court records, pleadings and practice.
Status: 03/12/2013 INTRODUCED.
03/12/2013 To HOUSE Committee on JUDICIARY.

Title: **Court Records**
Author: Jacobsen
Introduction: 3/12/2013
Location: House Judiciary Committee
Summary: Allows digital court records and electronic filing of testimony given in probate court.
Status: 03/12/2013 INTRODUCED.
03/12/2013 To HOUSE Committee on JUDICIARY.
**H 4416**  
**Title:** Court Records  
**Author:** LaFontaine  
**Introduction:** 3/12/2013  
**Location:** House Judiciary Committee  
**Summary:** Allows digital court records and electronically filing of probate court records.  
**Status:** 03/12/2013 INTRODUCED.  
03/12/2013 To HOUSE Committee on JUDICIARY.

**H 4417**  
**Title:** Certified Reproduction  
**Author:** Schor  
**Introduction:** 3/12/2013  
**Location:** House Judiciary Committee  
**Summary:** Relates to judgments in a civil action; allows a registry or certified reproduction to serve as a complete replacement of validity and enforceability of certain judgments.  
**Status:** 03/12/2013 INTRODUCED.  
03/12/2013 To HOUSE Committee on JUDICIARY.

**H 4501**  
**Title:** Fraud or Deception  
**Author:** Schmidt W  
**Introduction:** 4/9/2013  
**Location:** House Criminal Justice Committee  
**Summary:** Prohibits obtaining service or property by fraud or deception; provides penalties.  
**Status:** 04/09/2013 INTRODUCED.  
04/09/2013 To HOUSE Committee on CRIMINAL JUSTICE.

**H 4502**  
**Title:** Sentencing Guidelines  
**Author:** Schmidt W  
**Introduction:** 4/9/2013  
**Location:** House Criminal Justice Committee  
**Summary:** Enacts sentencing guidelines for obtaining service or property by fraud or deception.  
**Status:** 04/09/2013 INTRODUCED.  
04/09/2013 To HOUSE Committee on CRIMINAL JUSTICE.

**H 4532**  
**Title:** Court Record Maintenance  
**Author:** Price  
**Introduction:** 4/10/2013  
**Enacted:** 12/18/2013  
**Last Amend:** 11/14/2013  
**Location:** Chaptered  
**Summary:** Requires the Clerk of the Probate Court to maintain every record created by or filed with the Court; requires the maintenance of any court record in that manner and on any medium authorized by Supreme Court rules; provides that if a signature is required on any document filed with or created by a court, that requirement is satisfied by an electronic signature as prescribed by Supreme Court rules.  
**Status:** 04/10/2013 INTRODUCED.  
04/10/2013 To HOUSE Committee on JUDICIARY.  
04/18/2013 From HOUSE Committee on JUDICIARY: Reported with recommendation with substitute. (H-2)  
04/18/2013 In HOUSE. To second reading.  
04/23/2013 In HOUSE. Read second time and substituted. (H-3)  
04/23/2013 In HOUSE. Read second time. To third reading.
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<td>In HOUSE. Read third time. Passed HOUSE. *****To SENATE.</td>
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<td>04/30/2013</td>
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<td>HOUSE concurred in SENATE amendments.</td>
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<td>12/18/2013</td>
<td>Public Act No. 201</td>
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**H 4583**  
**Title:** Parental Rights  
**Author:** Johnson J  
**Introduction:** 4/18/2013  
**Location:** House Criminal Justice Committee  
**Summary:** Allows immediate termination of parental rights and visitation rights for a parent or legal guardian upon sentencing for criminal sexual conduct or other sex crimes.  
**Status:** 04/18/2013 INTRODUCED.  
04/18/2013 To HOUSE Committee on CRIMINAL JUSTICE.

**H 4584**  
**Title:** Parenting Time  
**Author:** Johnson J  
**Introduction:** 4/18/2013  
**Location:** House Criminal Justice Committee  
**Summary:** Allows immediate termination of a grand parenting time order upon sentencing for certain criminal sexual conduct.  
**Status:** 04/18/2013 INTRODUCED.  
04/18/2013 To HOUSE Committee on CRIMINAL JUSTICE.

**H 4638**  
**Title:** Recording Act  
**Author:** Pettalia  
**Introduction:** 4/30/2013  
**Enacted:** 10/15/2014  
**Last Amend:** 9/30/2014  
**Location:** Chaptered  
**Summary:** Amends provisions of existing law that prescribes certain conditions relative to the execution of instruments entitled to be recorded in the Office of the Register of Deeds; provides revised procedures regarding the recording of a mortgage and any related affidavit.  
**Status:** 04/30/2013 INTRODUCED.  
04/30/2013 To HOUSE Committee on LOCAL GOVERNMENT.  
02/13/2014 From HOUSE Committee on LOCAL GOVERNMENT: Reported with recommendation with substitute. (H-3)  
02/13/2014 In HOUSE. To second reading.  
02/20/2014 In HOUSE. Read second time and committee substitute adopted. (H-3) To third reading.  
02/26/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.  
02/27/2014 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.  
05/20/2014 From SENATE Committee on BANKING AND FINANCIAL
INSTITUTIONS: Recommended as substituted.(S-1)
05/20/2014 In SENATE. To second reading.
09/30/2014 In SENATE. Read second time and substituted. (S-3) To third reading.
10/01/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE for concurrence.
10/02/2014 HOUSE concurred in SENATE amendments.
10/02/2014 Ordered Enrolled.
10/07/2014 *****To GOVERNOR.
10/15/2014 Signed by GOVERNOR.
10/17/2014 Public Act No. 347

**H 4639**
Title: **Recording Affidavit**

Author: Lane
Introduction: 4/30/2013
Enacted: 10/15/2014
Location: Chaptered
Summary: Relates to recording affidavit and copy of original conveyance; allows for indexing under names of parties to a conveyance by the register of deeds.
Status: 04/30/2013 INTRODUCED.
04/30/2013 To HOUSE Committee on LOCAL GOVERNMENT.
02/13/2014 From HOUSE Committee on LOCAL GOVERNMENT: Reported with recommendation.
02/13/2014 In HOUSE. To second reading.
02/20/2014 In HOUSE. Read second time. To third reading.
02/26/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
02/27/2014 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.
05/20/2014 From SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS: Recommended passage.
05/20/2014 In SENATE. To second reading.
09/30/2014 In SENATE. Read second time. To third reading.
10/01/2014 In SENATE. Read third time. Passed SENATE.
10/01/2014 Ordered Enrolled.
10/07/2014 *****To GOVERNOR.
10/15/2014 Signed by GOVERNOR.
10/17/2014 Public Act No. 349

**H 4640**
Title: **Original Real Property Conveyance**

Author: Pettalia
Introduction: 4/30/2013
Enacted: 10/15/2014
Last Amend: 9/30/2014
Location: Chaptered
Summary: Amends existing law that provides for the recording and use in evidence of affidavits affecting unrecorded real property mortgages and provides a penalty for making false affidavits.
Status: 04/30/2013 INTRODUCED.
04/30/2013 To HOUSE Committee on LOCAL GOVERNMENT.
02/13/2014 From HOUSE Committee on LOCAL GOVERNMENT: Reported with recommendation with substitute.(H-4)
02/13/2014 In HOUSE. To second reading.
02/20/2014 In HOUSE. Read second time and committee substitute adopted. (H-4) To third reading.
02/26/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
02/27/2014 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.
05/20/2014 From SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS: Recommended as substituted.(S-1)
05/20/2014 In SENATE. To second reading.
09/30/2014 In SENATE. Read second time and substituted. (S-2) To third reading.
10/01/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE for concurrence.
10/02/2014 HOUSE concurred in SENATE amendments.
10/02/2014 Ordered Enrolled.
10/07/2014 *****To GOVERNOR.
10/15/2014 Signed by GOVERNOR.
10/17/2014 Public Act No. 348

H 5030 Title: Credit Union Joint Accounts
Author: Brinks
Introduction: 10/1/2013
Location: House Financial Services Committee
Summary: Regulates credit union multiple-party accounts; requires written disclosure of the rights of account holders for joint accounts; requires credit union disclosure and acknowledgment; includes minor joint account holders.
Status: 10/01/2013 INTRODUCED.
10/01/2013 To HOUSE Committee on FINANCIAL SERVICES.

H 5031 Title: Joint Accounts
Author: Cochran
Introduction: 10/1/2013
Location: House Financial Services Committee
Summary: Requires written disclosure of rights of account holders for joint accounts.
Status: 10/01/2013 INTRODUCED.
10/01/2013 To HOUSE Committee on FINANCIAL SERVICES.

H 5032 Title: Joint Accounts
Author: Cochran
Introduction: 10/1/2013
Location: House Financial Services Committee
Summary: Requires written disclosure of rights of account holders for joint accounts.
Status: 10/01/2013 INTRODUCED.
10/01/2013 To HOUSE Committee on FINANCIAL SERVICES.

H 5139 Title: Family Law
Author: Geiss
Introduction: 11/6/2013
Location: House Judiciary Committee
Summary: Provides for right to first refusal of child care for children during other parent's normal parenting time.
Status: 11/06/2013 INTRODUCED.
11/06/2013 To HOUSE Committee on JUDICIARY.

H 5162 Title: Probate
Author: Segal
Introduction: 11/14/2013
Location: House Families, Children and Seniors Committee
Summary: Modifies individuals authorized to make disposition arrangements for decedent.
Status: 11/14/2013 INTRODUCED.
       11/14/2013 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.

H 5343  Title: Parental Rights
Author: Jenkins
Introduction: 2/20/2014
Location: House Judiciary Committee
Summary: Provides for clarification of termination of parental rights and obligation to pay child support.
Status: 02/20/2014 INTRODUCED.
       02/20/2014 To HOUSE Committee on JUDICIARY.

H 5366  Title: Digital Assets
Author: LaFontaine
Introduction: 2/26/2014
Location: House Second Reading
Summary: Enacts Fiduciary Access to Digital Assets Act; relates to estates, terms of service agreements, control over digital property of a protected person, protective orders, rights of such protected person, change in a governing instrument affecting digital property, court orders, rights of conservators, lawful consent of the protected person, court hearings and an exemption from liability for a digital custodian under certain circumstances.
Status: 02/26/2014 INTRODUCED.
       02/26/2014 To HOUSE Committee on JUDICIARY.
       10/02/2014 From HOUSE Committee on JUDICIARY: Reported with recommendation with substitute. (H-1)
       10/02/2014 In HOUSE. To second reading.

H 5367  Title: Digital Assets
Author: Lauwers
Introduction: 2/26/2014
Enacted: 12/27/2012
Last Amend: 12/13/2012
Location: House Second Reading
Summary: Enacts powers of personal representatives Fiduciary Access to Digital Assets Act; provides that except as provided for in a decedent's will, and subject to terms of service agreements, a personal representative has the right to exercise control over digital property; provides that a written request for access is conclusive evidence in any action to gain access or exercise control over digital property.
Status: 02/26/2014 INTRODUCED.
       02/26/2014 To HOUSE Committee on JUDICIARY.
       10/02/2014 From HOUSE Committee on JUDICIARY: Reported with recommendation with substitute. (H-1)
       10/02/2014 In HOUSE. To second reading.

H 5368  Title: Estate Assets and Digital Accounts
Author: Cotter
Introduction: 2/26/2014
Location: House Second Reading
Summary: Enacts definitions relating to the Fiduciary Access to Digital Assets Act; relates to estates, protected persons, power of attorney for a child, terms of service agreements, websites, mobile applications and social media.
H 5369  Title: Digital Assets
Author: Leonard
Introduction: 2/26/2014
Location: House Second Reading
Summary: Relates to Fiduciary Access to Digital Assets Act; relates to estates, durable power of attorney, terms of service agreements, change in instruments, control over the principal’s digital property and exception from liability for a digital custodian.

H 5370  Title: Digital Assets
Author: Jenkins
Introduction: 2/26/2014
Location: House Second Reading
Summary: Enacts Fiduciary Access to Digital Assets Act; relates to estates, trustees, terms of service agreements, exceptions from civil liability for digital custodians under certain circumstances and requests for access to digital property.

H 5463  Title: Family Law
Author: Denby
Introduction: 4/23/2014
Enacted: 12/17/2014
Last Amend: 9/9/2014
Location: Chaptered
Summary: Relates to orders of the court requiring a mother, child, and alleged father to submit to blood or tissue typing determinations; makes changes concerning repayment of a father if a court declares paternity, movements for summary disposition and related matters.
H 5464  Title:  Family Law
Author:  Hooker
Introduction:  4/23/2014
Enacted:  12/17/2014
Last Amend:  9/9/2014
Location:  Chaptered
Summary:  Creates the Genetic Parentage Act; provides for genetic testing in certain paternity cases.
Status:  04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)
05/21/2014 In HOUSE. To second reading.
09/09/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
12/09/2014 In SENATE. To second reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 364

H 5465  Title:  Family Law
Author:  Kurtz
Introduction:  4/23/2014
Enacted:  12/17/2014
Last Amend:  9/10/2014
Location:  Chaptered
Summary:  Establishes the Summary Report and Paternity Act; provides for the determination of a child's paternity in certain cases.
Status:  04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)
05/21/2014 In HOUSE. To second reading.
09/09/2014 In HOUSE. Read second time and substitued. (H-3) To third reading.
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
12/09/2014 In SENATE. To second reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 365
H 5466  Title:  Consolidation of Child Support Functions
Author:  Kosowski
Introduction:  4/23/2014
Enacted:  12/17/2014
Last Amend:  9/10/2014
Location:  Chaptered
Summary:  Amends the Paternity Act; provides for the consolidation of child support functions within the county Department of Human Services; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to a friend of the court, an attorney employed or contracted by the county, or an attorney employed by or under contract with the Department.
Status:  04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute. (H-1)
05/21/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 366

H 5477  Title:  Acknowledgment of Parentage
Author:  Kurtz
Introduction:  4/23/2014
Enacted:  12/17/2014
Last Amend:  9/10/2014
Location:  Chaptered
Summary:  Relates to actions for revocation of an acknowledgment of parentage; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to the friend of the court, and attorney employed or contracted by a county, or an attorney employed by or under contract with the Department.
Status:  04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS:
Reported with recommendation with substitute.(H-1)
05/21/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 368

**H 5468** Title: **Consolidation of Child Support Functions**
Author: Victory
Introduction: 4/23/2014
Enacted: 12/17/2014
Last Amend: 9/10/2014
Location: Chaptered
Summary: Relates to court proceedings for support of custodial parents and children; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to a friend of the court, an attorney employed or contracted by the county, or an attorney employed by, or under contract with, the Department.

Status: 04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)
05/21/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 369

**H 5469** Title: **Consolidated Child Support Functions**
Author: Kurtz
Introduction: 4/23/2014
Enacted: 12/17/2014
Last Amend: 9/10/2014
Location: Chaptered
Summary: Provides for the consolidation of child support functions into the county Department of Human Services in the Uniform Interstate Family Support Act; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to a friend of the court, an attorney employed or contracted by the county, or an attorney employed by or under contract with the Department.

Title: Consolidated Child Support Collection

Author: Kesto

Introduction: 4/23/2014

Enacted: 12/17/2014

Last Amend: 9/10/2014

Location: Chaptered

Summary: Provides for consolidation of child support functions into the county Department of Human Services in the Uniform Reciprocal Enforcement Support Act; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to a friend of the court, an attorney employed or contracted by the county, or an attorney employed by, or under contract with, the Department.

Status: 04/23/2014 INTRODUCED.

04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.

05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)

05/21/2014 In HOUSE. To second reading.

09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.

09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.

09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.

10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.

12/09/2014 In SENATE. Read second time. To third reading.

12/10/2014 In SENATE. Read third time. Passed SENATE.

12/10/2014 Ordered Enrolled.

12/15/2014 *****To GOVERNOR.

12/17/2014 Signed by GOVERNOR.

12/17/2014 Public Act No. 370
**H 5471**  
**Title:** Consolidation of Child Support Functions  
**Author:** Outman  
**Introduction:** 4/23/2014  
**Enacted:** 12/17/2014  
**Last Amend:** 9/10/2014  
**Location:** Chaptered  
**Summary:** Relates to the rights and duties of parents, support for children after they reach the age of majority under certain circumstances, and the conditions for emancipation of minors; provides that a prosecuting attorney and the Department of Human Services may enter into an agreement to transfer the prosecutor's responsibilities to a friend of the court, an attorney employed or contracted by the county, or an attorney employed by, or under contract with, the Department.  
**Status:** 04/23/2014 INTRODUCED.  
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.  
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)  
05/21/2014 In HOUSE. To second reading.  
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.  
09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.  
09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.  
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.  
12/10/2014 Ordered Enrolled.  
12/15/2014 *****To GOVERNOR.  
12/17/2014 Signed by GOVERNOR.  
12/17/2014 Public Act No. 371  

**H 5472**  
**Title:** Child Support  
**Author:** Rendon  
**Introduction:** 4/23/2014  
**Enacted:** 12/17/2014  
**Last Amend:** 9/9/2014  
**Location:** Chaptered  
**Summary:** Creates alternative contempt track docket for child support payers who are determined by the court to have difficulty making support payments due to a medical condition, a psychological disorder, a substance use disorder, illiteracy, homelessness, unemployment, or certain conditions.  
**Status:** 04/23/2014 INTRODUCED.  
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.  
05/14/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)  
05/14/2014 In HOUSE. To second reading.  
09/09/2014 In HOUSE. Read second time and substituted. (H-3) To third reading.  
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.  
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 373

**H 5473**

**Title:** Paternity Determinations

**Author:** Lori

**Introduction:** 4/23/2014

**Enacted:** 12/17/2014

**Last Amend:** 9/9/2014

**Location:** Chaptered

**Summary:** Allows court to refuse to enter an order setting aside a paternity determination, revoking an acknowledgement of parentage, or determining that a genetic father is not a child's father if the court finds that the order would not be in the best interests of the child.

**Status:**

04/23/2014 INTRODUCED.
04/23/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute. (H-1)
05/21/2014 In HOUSE. To second reading.
09/09/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 373

**H 5510**

**Title:** Family Law

**Author:** Kurtz

**Introduction:** 5/1/2014

**Enacted:** 12/27/2014

**Location:** Chaptered

**Summary:** Modifies acknowledgement of parentage process; revises the provision that governs who a witness to such process must be; provides that a witness must be an employee of a hospital, publicly funded or licensed health clinic, pediatric office, friend of the court, prosecuting attorney, court, Department of Human services, department of community health, county health agency, county records department, head start program, local social services provider, county jail, or state prison.

**Status:**

05/01/2014 INTRODUCED.
05/01/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS:
Reported with recommendation.
05/21/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time. To third reading.
09/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/23/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/15/2014 In SENATE. Read second time. To third reading.
12/16/2014 In SENATE. Read third time. Passed SENATE.
12/16/2014 Ordered Enrolled.
12/23/2014 *****To GOVERNOR.
12/27/2014 Signed by GOVERNOR.
12/30/2014 Public Act No. 409

**H 5511**  Title: **Civil Procedure**
Author: McCready
Introduction: 5/1/2014
Last Amend: 9/9/2014
Location: Senate Families, Seniors and Human Services Committee
Summary: Allows collection of court-ordered financial obligations from judgments against the state.
Status: 05/01/2014 INTRODUCED.
05/01/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)
05/21/2014 In HOUSE. To second reading.
09/09/2014 In HOUSE. Read second time and substituted. (H-2) To third reading.
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.

**H 5512**  Title: **Human Services**
Author: Kurtz
Introduction: 5/1/2014
Enacted: 12/17/2014
Last Amend: 9/10/2014
Location: Chaptered
Summary: Provides that family independence program assistance benefits may be denied for failure, without good cause, to comply with child support requirements, including efforts to establish paternity and assign or obtain child support; provides that good cause include an instance in which such efforts would hard a child or in which there is danger of physical or emotional harm to the child or recipient.
Status: 05/01/2014 INTRODUCED.
05/01/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/14/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute.(H-1)
05/14/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
09/17/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
09/18/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
10/22/2014 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.
10/22/2014 In SENATE. To second reading.
12/09/2014 In SENATE. Read second time. To third reading.
12/10/2014 In SENATE. Read third time. Passed SENATE.
12/10/2014 Ordered Enrolled.
12/15/2014 *****To GOVERNOR.
12/17/2014 Signed by GOVERNOR.
12/17/2014 Public Act No. 375

**H 5552**

**Title:** Property Tax Exemption

**Author:** Pettalia

**Introduction:** 5/8/2014

**Enacted:** 10/9/2014

**Last Amend:** 10/2/2014

**Location:** Chaptered

**Summary:** Excludes certain transfers to a trust from definition of transfer of ownership of residential real property.

**Status:**
05/08/2014 INTRODUCED.
05/08/2014 To HOUSE Committee on TAX POLICY.
06/04/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation with substitute. (H-1)
06/04/2014 In HOUSE. To second reading.
06/05/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
06/05/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
06/10/2014 To SENATE Committee on FINANCE.
10/02/2014 From SENATE Committee on FINANCE: Recommended as substituted. (S-1)
10/02/2014 In SENATE. To second reading.
10/02/2014 In SENATE. Read second time and committee substitute adopted. (S-1)
10/02/2014 In SENATE. Read second time and amended. To third reading.
10/02/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE for concurrence.
10/02/2014 HOUSE concurred in SENATE amendments.
10/02/2014 Ordered Enrolled.
10/07/2014 *****To GOVERNOR.
10/09/2014 Signed by GOVERNOR.
10/10/2014 Public Act No. 310

**H 5583**

**Title:** Paternity Revocation Process

**Author:** Hovey-Wright

**Introduction:** 5/15/2014

**Enacted:** 12/17/2014

**Last Amend:** 9/10/2014

**Location:** Chaptered

**Summary:** Provides that a mother, genetic father, alleged father, or prosecuting attorney may file an action for an order determining that a genetic father is not a child's father.

**Status:**
05/15/2014 INTRODUCED.
05/15/2014 To HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS.
05/21/2014 From HOUSE Committee on FAMILIES, CHILDREN, AND SENIORS: Reported with recommendation with substitute. (H-1)
05/21/2014 In HOUSE. To second reading.
09/10/2014 In HOUSE. Read second time and committee substitute adopted. (H-1) To third
Title: **Life Insurance and Trustees**  
Author: Schuitmaker  
Introduction: 1/16/2013  
Enacted: 2/11/2014  
Location: Chaptered  
Summary: Relates to life insurance; provides that the trustee of a trust has an insurable interest in the life of an individual under the Estates and Protected Individuals Code.  
Status: 01/16/2013 INTRODUCED.  
01/16/2013 To SENATE Committee on INSURANCE.  
03/06/2013 Rereferred to SENATE Committee on JUDICIARY.  
03/13/2013 From SENATE Committee on JUDICIARY: Recommended passage.  
03/13/2013 In SENATE. To second reading.  
03/19/2013 In SENATE. Read second time. To third reading.  
03/20/2013 In SENATE. Read third time. Passed SENATE. *****To HOUSE.  
03/20/2013 To HOUSE Committee on INSURANCE.  
01/23/2014 From HOUSE Committee on INSURANCE: Reported with recommendation.  
01/23/2014 In HOUSE. To second reading.  
01/23/2014 In HOUSE. Read second time. To third reading.  
01/28/2014 In HOUSE. Read third time. Passed HOUSE.  
01/29/2014 Ordered Enrolled.  
02/04/2014 *****To GOVERNOR.  
02/11/2014 Signed by GOVERNOR.  
02/11/2014 Public Act No. 7  

**S 31**
**S 43**

**Title:** District Court Judgeships

**Author:** Jones Ri

**Introduction:** 1/16/2013

**Enacted:** 5/20/2013

**Last Amend:** 4/18/2013

**Location:** Chaptered

**Summary:** Increases number of district court judgeships and reduces number of circuit court judgeships in specified districts.

**Status:**
- 01/16/2013 INTRODUCED.
- 01/16/2013 To SENATE Committee on JUDICIARY.
- 01/24/2013 From SENATE Committee on JUDICIARY: Recommended passage.
- 01/24/2013 In SENATE. To second reading.
- 02/12/2013 In SENATE. Read second time. To third reading.
- 02/13/2013 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
- 02/13/2013 To HOUSE Committee on JUDICIARY.
- 04/11/2013 From HOUSE Committee on JUDICIARY: Reported with recommendation.
- 04/11/2013 In HOUSE. To second reading.
- 04/18/2013 In HOUSE. Read second time and substituted. (H1) To third reading.
- 04/25/2013 In HOUSE. Read third time. Passed HOUSE. *****To SENATE for concurrence.
- 05/01/2013 SENATE concurred in HOUSE amendments.
- 05/01/2013 Ordered Enrolled.
- 05/07/2013 *****To GOVERNOR.
- 05/20/2013 Signed by GOVERNOR.
- 05/20/2013 Public Act No. 33

**S 113**

**Title:** Property Tax Exemptions

**Author:** Green M

**Introduction:** 1/30/2013

**Last Amend:** 11/13/2014

**Location:** To Governor

**Summary:** Exempts conservation easements of property that was conveyed under a will or trust or by intestate succession that meets specified criteria, but not buildings or structures located on the land.

**Status:**
- 01/30/2013 INTRODUCED.
- 01/30/2013 To SENATE Committee on FINANCE.
- 04/11/2013 From SENATE Committee on FINANCE: Recommended passage.
- 04/11/2013 In SENATE. To second reading.
- 04/11/2013 In SENATE. Read second time and substituted. (S-1) To third reading.
- 04/17/2013 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
- 04/17/2013 To HOUSE Committee on TAX POLICY.
- 09/17/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation with substitute. (H-1)
- 09/17/2014 In HOUSE. To second reading.
S 144  Title:  Court Guardianship  
Author:  Anderson  
Introduction:  2/5/2013  
Location:  Senate Families, Seniors and Human Services Committee  
Summary:  Allows the court to schedule certain hearings on guardianship petitions for developmentally disabled minors before the minor turns 18 years of age.  
Status:  02/05/2013 INTRODUCED.  
02/05/2013 To SENATE Committee on FAMILIES, CHILDREN, AND SENIORS.

S 176  Title:  Mental Health Guardianship  
Author:  Hildenbrand  
Introduction:  2/12/2013  
Location:  Senate Second Reading - Committee Reports  
Summary:  Allows the court to schedule a guardianship petition for developmentally disabled individual hearing before the individual turns 18 years of age.  
Status:  02/12/2013 INTRODUCED.  
02/12/2013 To SENATE Committee on FAMILIES, CHILDREN, AND SENIORS.  
05/23/2013 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended passage.  
05/23/2013 In SENATE. To second reading.

S 177  Title:  Probate Guardianship  
Author:  Hildenbrand  
Introduction:  2/12/2013  
Location:  Senate Families, Seniors and Human Services Committee  
Summary:  Allows probate judges to schedule certain guardianship petition hearings prior to minor turning 18 years of age.  
Status:  02/12/2013 INTRODUCED.  
02/12/2013 To SENATE Committee on FAMILIES, CHILDREN, AND SENIORS.

S 293  Title:  Wills And Estates  
Author:  Bieda  
Introduction:  4/10/2013  
Location:  Senate Judiciary Committee  
Summary:  Provides power of personal representative of a decedent's estate access to certain online accounts.  
Status:  04/10/2013 INTRODUCED.  
04/10/2013 To SENATE Committee on JUDICIARY.

S 425  Title:  Principal Residence Property Tax Exemption  
Author:  Brandenburg  
Introduction:  6/12/2013  
Last Amend:  11/5/2013  
Location:  House Third Reading  
Summary:  Revises principal residence property tax exemptions for trust-owned property; requires
notification to the assessor of the local tax collecting unit; relates to the present beneficiary of the trust who files an affidavit claiming an exemption for trust-owned property.

Status: 06/12/2013 INTRODUCED.
06/12/2013 To SENATE Committee on FINANCE.
10/17/2013 From SENATE Committee on FINANCE: Recommended as substituted. (S-1)
10/17/2013 In SENATE. To second reading.
11/05/2013 In SENATE. Read second time and committee substitute adopted. (S-1) To third reading.
11/06/2013 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
11/06/2013 To HOUSE Committee on TAX POLICY.
05/21/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation.
05/21/2014 In HOUSE. To second reading.
12/16/2014 In HOUSE. Read second time. To third reading.

**S 465**
Title: Jurisdictional Provisions
Author: Schuitmaker
Introduction: 9/10/2013
Location: Senate Judiciary Committee
Summary: Revises jurisdictional provisions in the estates and protected individuals code to reflect adoption of the uniform adult guardianship and protective proceedings jurisdiction act.

Status: 09/10/2013 INTRODUCED.
09/10/2013 To SENATE Committee on JUDICIARY.

**S 466**
Title: Uniform Adult Guardianship
Author: Schuitmaker
Introduction: 9/10/2013
Location: Senate Judiciary Committee
Summary: Enacts uniform adult guardianship and protective proceedings jurisdiction act.

Status: 09/10/2013 INTRODUCED.
09/10/2013 To SENATE Committee on JUDICIARY.

**S 485**
Title: Unclaimed Body Program
Author: Caswell
Introduction: 9/11/2013
Last Amend: 10/1/2014
Location: House Health Policy Committee
Summary: Creates the Anatomy Board to develop criteria, standards, and procedures for consideration of unclaimed bodies that are suitable for scientific use; requires a member of the Board may allocate dead human bodies it receives to teaching institutions, hospitals, and other persons that require them for educational use; requires the Board to keep related permanent records; requires attempts to be made to identify the remains; provides the procedures governing the suitability for scientific use.

Status: 09/11/2013 INTRODUCED.
09/11/2013 To SENATE Committee on HEALTH POLICY.
09/30/2014 From SENATE Committee on HEALTH POLICY: Recommended as substituted. (S-2)
09/30/2014 In SENATE. To second reading.
10/01/2014 In SENATE. Read second time and committee substitute adopted. (S-2) To third reading.
10/01/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
10/01/2014 To HOUSE Committee on HEALTH POLICY.

**S 524**
Title: Retirement Accounts
Title: **Retirement Accounts**

Author: Nofs

Introduction: 9/19/2013

Location: Senate Second Reading - Committee Reports

Summary: Subjects retirement accounts that are levied upon for child support to garnishment.

Status:
- 09/19/2013 INTRODUCED.
- 09/19/2013 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.
- 11/12/2013 From SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES: Recommended as substituted. (S-1)
- 11/12/2013 In SENATE. To second reading.

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Title: **Account Holder Rights**

Author: Young

Introduction: 10/1/2013

Location: Senate Banking and Financial Institutions Committee

Summary: Requires written disclosure of rights of account holders at credit unions for joint accounts.

Status:
- 10/01/2013 INTRODUCED.
- 10/01/2013 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.

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Title: **Account Holder Rights**

Author: Young

Introduction: 10/1/2013

Location: Senate Banking and Financial Institutions Committee

Summary: Requires written disclosure of rights of account holders for joint accounts at savings banks.

Status:
- 10/01/2013 INTRODUCED.
- 10/01/2013 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.

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Title: **Account Holder Rights**

Author: Young

Introduction: 10/1/2013

Location: Senate Banking and Financial Institutions Committee

Summary: Requires written disclosure of rights of account holder for joint accounts at banks.

Status:
- 10/01/2013 INTRODUCED.
- 10/01/2013 To SENATE Committee on BANKING AND FINANCIAL INSTITUTIONS.

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Title: **Corporate Regulation**

Author: Bieda

Introduction: 10/16/2013

Last Amend: 12/16/2014
Title: Charitable Organizations
Author: Jones Ri
Introduction: 10/16/2013
Last Amend: 5/21/2014
Location: To Governor
Summary: Requires notice and accounting to the Attorney General of the dissolution, merger or conversion of, and certain amendments to or restatements of the articles of incorporation of, certain domestic charitable purpose corporations other other entities; provides that the Attorney General may requires such corporation to submit an accounting of the entity's assets and their administration and disposition; provides procedures an entity may undertake if the Attorney General has not responded.
Status: 10/16/2013 INTRODUCED.
10/16/2013 To SENATE Committee on ECONOMIC DEVELOPMENT.
05/15/2014 From SENATE Committee on ECONOMIC DEVELOPMENT: Recommended as substitute(S-1)
05/15/2014 In SENATE. To second reading.
05/21/2014 In SENATE. Read second time and committee substitute adopted. (S-1) To third reading.
05/27/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
05/27/2014 To HOUSE Committee on COMMERCE.
11/13/2014 From HOUSE Committee on COMMERCE: Reported with recommendation with substitute. (H-1)
11/13/2014 In HOUSE. To second reading.
12/16/2014 In HOUSE. Read second time and committee substitute adopted. (H-1)
12/16/2014 In HOUSE. Read second time and amended. To third reading.
12/18/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE for concurrence.
12/18/2014 SENATE concurred in HOUSE amendments.
12/18/2014 Ordered Enrolled.
01/02/2015 *****To GOVERNOR.

Title: Nonprofit Corporations
S 714  Title: Uniform Collaborative Law Act
Author: Schuitmaker
Introduction: 12/5/2013
Enacted: 6/11/2014
Last Amend: 5/20/2014
Location: Chaptered
Summary: Allows parties to agree to a collaborate alternative dispute resolution process as an alternative to litigation for matters regarding marriage, divorce, dissolution, annulment, property distribution, child custody, visitation, parenting time, alimony maintenance, child support, adoption, parentage, and other premarital, marital, and post-marital matters.
Status: 12/05/2013 INTRODUCED.
12/05/2013 To SENATE Committee on JUDICIARY.
03/20/2014 From SENATE Committee on JUDICIARY: Recommended as substituted.(S-1)
03/20/2014 In SENATE. To second reading.
03/25/2014 In SENATE. Read second time and committee substitute adopted. (S-1) To third reading.
03/26/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
03/26/2014 To HOUSE Committee on JUDICIARY.
05/08/2014 From HOUSE Committee on JUDICIARY: Reported with recommendation.
05/08/2014 In HOUSE. To second reading.
05/20/2014 In HOUSE. Read second time and amended. To third reading.
05/22/2014 In HOUSE. Read third time. Passed HOUSE. *****To SENATE for concurrence.
05/27/2014 SENATE concurred in HOUSE amendments.
05/27/2014 Ordered Enrolled.
06/04/2014 *****To GOVERNOR.
06/11/2014 Signed by GOVERNOR.
06/11/2014 Public Act No. 159

S 731  Title: Wills And Estates
Author: Warren
Introduction: 12/12/2013
Location: Senate Judiciary Committee
Summary: Relates to wills and estates; allows individual to designate a person to make decisions and require that the individual's instructions to be followed on decisions regarding funeral, burial or cremation.
Status: 12/12/2013 INTRODUCED.
12/12/2013 To SENATE Committee on JUDICIARY.

S 743  Title: State Bar Membership
Author: Meekhof
Introduction: 1/23/2014
Location: Senate Government Operations Committee
Summary: Establishes voluntary state bar membership.
Status: 01/23/2014 INTRODUCED.
01/23/2014 To SENATE Committee on GOVERNMENT OPERATIONS.

**S 831**
Title: General Property Tax Act
Author: Nofs
Introduction: 2/26/2014
Last Amend: 6/5/2014
Location: House Second Reading
Summary: Amends the general property tax act; provides an owner that is related to a decedent by blood or affinity to the first degree may retain an exemption for not more than 3 tax years on property that the decedent conveyed to that owner by will or intestate succession if the property was previously exempt as that decedent's principal residence and if the property is currently unoccupied, is for sale, is not leased, and is not used for any business or commercial purpose.
Status: 02/26/2014 INTRODUCED.
02/26/2014 To SENATE Committee on FINANCE.
05/07/2014 From SENATE Committee on FINANCE: Recommended as substituted. (S-2)
05/07/2014 In SENATE. To second reading.
06/05/2014 In SENATE. Read second time and committee substitute adopted. (S-2) To third reading.
06/05/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
06/05/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation with substitute. (H-2)
10/01/2014 From HOUSE Committee on TAX POLICY: Reported with recommendation with substitute. (H-2)
10/01/2014 In HOUSE. To second reading.

**S 854**
Title: Local Government
Author: Marleau
Introduction: 3/6/2014
Location: Senate Local Government and Elections Committee
Summary: Amends 1943 PA 20, entitled an act relative to the investment of funds of public corporations of the state.
Status: 03/06/2014 INTRODUCED.
03/06/2014 To SENATE Committee on LOCAL GOVERNMENT AND ELECTIONS.

**S 866**
Title: Crimes Against Older Adults
Author: Smith V
Introduction: 3/12/2014
Last Amend: 11/13/2014
Location: House Criminal Justice Committee
Summary: Increases penalties for certain crimes against a person over 65 years of age.
Status: 03/12/2014 INTRODUCED.
03/12/2014 To SENATE Committee on JUDICIARY.
07/16/2014 From SENATE Committee on JUDICIARY: Recommended as substituted. (S-3)
07/16/2014 In SENATE. To second reading.
11/13/2014 In SENATE. Read second time and committee substitute adopted. (S-3) To third reading.
11/13/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
12/02/2014 To HOUSE Committee on CRIMINAL JUSTICE.

**S 867**
Title: Elder Abuse
S 888  Title:  Adult Foster Care
Author:  Hildenbrand
Introduction:  3/20/2014
Enacted:  12/31/2014
Last Amend:  12/16/2014
Location:  Chaptered
Summary:  Exempts continuing care communities from rules preventing patient movement across licensure categories.
Status:  03/20/2014 INTRODUCED.
03/20/2014 To SENATE Committee on APPROPRIATIONS.
09/16/2014 From SENATE Committee on APPROPRIATIONS: Recommended as substituted. (S-3)
09/16/2014 In SENATE. To second reading.
09/18/2014 In SENATE. Read second time and committee substitute adopted. (S-3) To third reading.
09/24/2014 In SENATE. Read third time. Passed SENATE. *****To HOUSE.
12/02/2014 To HOUSE Committee on CRIMINAL JUSTICE.

S 1013  Title:  Individual Income Tax
Author:  Ananich
Introduction:  7/16/2014
Location:  Senate Finance Committee
Summary:  Provides for individual income tax credit for certain irrevocable trusts; provides for documentation; provides that a credit that exceed the tax liability shall not be refunded; relates to qualified irrevocable trusts for a child diagnosed with an autism spectrum disorder.
S 1102  Title: Legally Incapacitated Individual
Author: Jones Ri
Introduction: 10/2/2014
Location: Senate Families, Seniors and Human Services Committee
Summary: Prohibits appointment of guardian serving in another state who has abused, exploited, or neglected a legally incapacitated individual.
Status: 10/02/2014 INTRODUCED.
10/02/2014 To SENATE Committee on FAMILIES, SENIORS AND HUMAN SERVICES.

SJR F  Title: Constitutional Amendment Resolution
Author: Bieda
Introduction: 1/24/2013
Location: Senate Second Reading - Committee Reports
Summary: Provides for a Constitutional Amendment; removes prohibition on election or appointment to a judicial office of person who has reached 70 years of age.
Status: 01/24/2013 INTRODUCED.
01/24/2013 To SENATE Committee on JUDICIARY.
01/30/2013 From SENATE Committee on JUDICIARY: Recommended passage.
01/30/2013 In SENATE. To second reading.