

**MINUTES OF THE  
COUNCIL OF THE PROBATE AND ESTATE PLANNING SECTION  
JUNE 6, 2009**

I. Call to Order – The meeting was called to order at 10:25 am following a one and half hour meeting of the committee on special projects.

II. Council Members

A. Excused Absences

Hon. David K. Murkowski  
Hon. Kathryn A. George  
Douglas G. Chalgian  
Robin D. Ferriby  
Mark K. Harder  
Shaheen I. Imami

B. Council Members Present

Nancy L. Little, Chair  
Harold G. Schuitmaker, Chair-Elect  
George W. Gregory, Secretary  
Josh Ard  
Ellen Sugrue Hyman  
J. David Kerr  
Marilyn Lankfer  
Amy Morrissey  
Patricia M. Ouellette  
Rebecca A. Schnelz  
Richard J. Siriani  
James B. Steward  
Thomas F. Sweeney  
Robert M. Taylor  
Marlaine C. Teahan  
Robert P. Tiplady

C. Ex-Officios Present

Michael J. McClory

III. Others Present

Laura Radle  
James P. Spica  
Connie Brigman  
Derek Walters  
Susan M. Allan  
Mark Pasquali  
William Morrison  
Kathy Goetsch  
Lorraine New  
Rhonda Clark  
Dan Cogan

IV. Minutes of the Council Meeting of April 18, 2009 were approved with corrections upon a motion duly made and seconded.

V. Treasurer's Report - Mark K. Harder - written report attached (**Attachment 1**)

VI. Chairperson's Report - Nancy L. Little

Nancy L. Little reported that she received a letter from Governor Jennifer Granholm's office related to the Sections endorsement of a state pick up tax credit as contained in Federal House Resolution 436. Of the twenty some letters sent, this was the only response.

Marlaine Teahan was concerned that our endorsement of Federal House Resolution 436 as it applies to could be read as endorsing the elimination of minority discounts which is also contained in Federal House Resolution 436. Lorraine New commented that Federal House Resolution 436 contained many provisions and if we were going to comment on each of them an extensive analysis might be needed. After additional discussion and upon a motion by Harold Schuitmaker seconded by Marlaine Teahan it was

**RESOLVED:** The Probate Section only supports House Resolution 436 to the extent it calls for the reinstatement of the State Death Tax Credit.

The motion passed by a vote of 17-0-0 with 6 excused absences and the Secretary was instructed to change the public policy position with the State Bar of Michigan.

The passage of the Michigan Trust Code was toasted with champagne brought by Harold Schuitmaker.

There was an inquiry from the National College of Probate Judges soliciting nominations for an award. Nancy commented that she thought it would be inappropriate for the Section to nominate an individual Judge. She circulated the materials. The address of the National College of Probate Judges is 300 Newport Ave., Williamsburg, VA 23185. Its phone number is 757-259-1841.

VII. Report of Committee on Special Projects – Amy M. Morrissey/Richard J. Siriani

The Committee on Special Projects reported on four separate subject matters.

A. The Probate Court Forms as prepared by the Section's Probate Forms Committee were recommended as amended during the meeting of the Committee on Special Projects except for proposed revisions to PC form 604 which the Committee on Special Projects thought should be divided into two forms and that the Chair be authorized to poll the Council over the summer once the Forms Committee completed that revision. All present consented to this course of action. **(See Attachment 2.)**

B. HB 5009 and HB 5010 dealing with personal property perpetuities provisions were recommended. Upon a vote of 17-0-0 with six excused absences, the Secretary was instructed to so notify the State Bar of Michigan of this policy provision.

C. After some discussion it was decided to table a bill on pooled trusts.

D. The Counsel decided to take no action recommending any changes on guardianship jurisdiction. **(See Attachment 3)**

VII. Standing Committee Reports

A. Internal Governance

1. Budget – George W. Gregory – no report
2. Bylaws – Marilyn A. Lankfer – no report
3. Michael Irish Award – Brian V. Howe – no report
4. Long-Range Planning – Douglas G. Chalgian /  
Lauren M. Underwood – no report
5. Nominations – Michael McClory on behalf of the Nominating Committee nominated the persons shown below to hold the positions shown below **(See Attachment 4):**
  - i. Harold G. Schuitmaker Chairperson
  - ii. Douglas G. Chalgian Chairperson – Elect
  - iii. George W. Gregory Vice Chairperson
  - iv. Mark K. Harder Secretary
  - v. Marilyn A. Lanker Treasurer

- vi. Council Member for a Second Three Year Term Commencing September 2009 and Ending at the 2012 Annual Meeting
  - Ellen Sugrue Hyman
  - James B. Steward
  - Robert P. Tiplady, II
  
- vii. Council Member for a First Complete Three Year Term Commencing September 2009 and Ending at the 2012 Annual Meeting
  - Josh W. Ard
  - Patricia M. Ouellette
  - James P. Spica

George W. Gregory moved to accept the report as submitted and Rebecca Schnelz seconded the nominations. All present indicated their agreement. The Chair asked if there were any other nominations from the floor and a brief discussion of the by-law requirement that such nominations needed to be made at this time.

6. Relations with the State Bar – Thomas F. Sweeney reported on the committees efforts to get articles published and to have the Probate Courts report on them as well.

7. Annual Meeting – Harold Schuitmaker reported that he is looking at September 26, 2009. He circulated a proposed schedule. **(See Attachment 5.)**

B. Education & Advocacy Services for Section Members

- 1. Amicus Curiae – Ellen Sugrue Hyman reported that *Nacovsky v Hall (In re Griffin Trust)* was summarily reversed without opinion by the Michigan Supreme Court. She circulated a draft written policy for the Amicus Curiae committee. **(See Attachment 6.)** A discussion followed. The consensus was that the council does not want to listen to oral presentations or arguments from the attorneys involved. *In re Zyla* was discussed and the conclusion was not to file an amicus brief. Thomas Sweeney moved and Robert Tiplady seconded a motion to accept the committee's report and recommendations.
  
- 2. Continuing Education & Annual Probate Institute – Douglas Chalgian – no report
  
- 3. Section Journal – Nancy L. Little reported there will be a Summer issue later this year. The focus will be on the new Michigan Trust Code.

4. State Bar Journal – Amy M. Morrissey – no report
  5. Pamphlets – Ellen Sugrue Hyman – no report
6. Electronic Communication – Josh Ard – no report
- C. Legislation and Lobbying
1. Legislation – Harold G. Schuitmaker/John R. Dresser/George W. Gregory. Harold G. Schuitmaker reported that there has been a number of acts proposed on mortgage counseling. He expected HB 4580 to be dropped and that SB 411 and 412 to be fast tracked. Josh Ard had some recommendations on legislation regarding minors and Harold indicated he would see what he could do.
  2. Power of Attorney Act – Daniel P. Marsh – no report
  3. Michigan Trust Code – Mark K. Harder – no report
- D. Ethics, Professionalism and Standards
1. Ethics – J. David Kerr – no report
  2. Unauthorized Practice & Multidisciplinary Practice – Bob Taylor reported on the CLA – USA issue. The Attorney General has written to them. However, one needs victims in order to get resources allocated to pursuing the unauthorized practice of law. Complaints from attorneys are not sufficient. A discussion of the Senior Brigade followed. Robert Tiplady excused himself from that discussion.
  3. Specialization and Certification – James B. Steward reported that committee continues to meet monthly
  4. Practice Management – Patricia Ouellette – no report
- E. Administration of Justice
1. Contested and Uncontested Probate Proceedings – Shaheen I. Imami / Douglas G. Chalgian. Nancy Little reported she received a memo from the committee and it is assisting the rules committee.
  2. Uniformity of Practice – Derek A. Walters reported that uniformity of practice may be illusory. For example Eaton County Probate Court has a form that requires the attorney (as opposed to the court as required by section 5303(2) of EPIC) to notify the person subject a guardianship petition about alternatives to guardianship. Derek does not believe that this type of non-uniformity is likely to cease. Judges want the flexibility to implement their own

procedures. Derek thinks that most attorneys are frustrated about not knowing what unique requirements/forms a particular county requires. As more counties implement their own website, it is his hope that attorneys will be able to review a county's website to determine what (if any) unique procedures need to be followed.

Derek has not given up on the goal of uniformity of practice; however, he is trying to reach a more practical goal of providing more information to attorneys.

Derek plans to send to Nancy Little a list of Michigan Probate Courts that currently provide such information to attorneys. The goal is that more counties will follow suit.

F. Practice Issues, Related Areas & Liaisons

1. Charitable Giving/Exempt Organizations – Robin D. Ferriby – no report
2. Transfer Tax – Thomas F. Sweeney – no report
3. Guardianships and Conservatorships – Constance Brigman – no report
4. Business Law/Liaison to Business Section – John R. Dresser – no report
5. Elder Law/Liaison to Elder Law Section – Amy R. Tripp – no report
6. Family Law/Family Law Section Liaison – Patricia M. Ouellette – no report
7. Real Property Law/Real Property Section Liaison – Daniel P. Marsh – no report
8. State Bar Section to Section Action Team Liaison – Robert Tiplady reported that the ADR section suggested presentations on ADR and the Probate Court. It was noted that Judge Mack made such a presentation in the past. Nancy Little indicated a willingness to publish an article on this topic in the Journal.
9. Tax and Tax Section Liaison – Lorraine F. New – no report
10. State Bar Liaison – Richard J. Siriani – no report
11. Court Rules and Forms Committee Liaison – Marlaine C. Teahan – no report
12. Trust Institutions and Liaison with Michigan Bankers Association – Susan Allan, Chair – no report
13. Michigan Probate Judges Association Liaison – Hon. Phillip Harter / Hon. Kathryn A. George / Hon Darlene A. O'Brien – no report
14. Law School Liaison – Josh Ard – no report

X. Other Business – none

XI. Hot Topics - none

XII. Adjournment – With the consent of all present the meeting adjourned at 12:25 pm.

Respectfully Submitted

George W. Gregory, Secretary

ATTACHMENT 1 – TREASURERS REPORT



**Probate and Estate Planning Section  
Treasurer's Report as of May 31, 2009**

	<b>April 2009 Actual</b>	<b>May 2009 Actual</b>	<b>Year to Date Actual</b>	<b>2009 Budget</b>	<b>Variance</b>
<b>Revenue</b>					
Membership Dues	\$ 140	\$ 35	\$ 123,900	\$ 120,000	\$ 3,900
Publishing Agreements		\$ 1,588	\$ 2,500		\$ 2,500
Other		\$ 330	\$ 365		\$ 365
<b>Total Receipts</b>	<b>\$ 140</b>	<b>\$ 1,953</b>	<b>\$ 126,765</b>	<b>\$ 120,000</b>	<b>\$ 6,765</b>
<b>Disbursements</b>					
Journal	\$ 5,569	\$ 3,750	\$ 15,962	\$ 45,000	\$ (29,038)
Chairperson's Dinner			\$ -	\$ 6,000	\$ (6,000)
Speakers Dinner			\$ -	\$ -	\$ -
Travel	\$ 1,072	\$ 116	\$ 5,621	\$ 13,500	\$ (7,879)
Lobbying	\$ 4,000	\$ 2,000	\$ 18,000	\$ 24,000	\$ (6,000)
Meetings		\$ 907	\$ 6,996	\$ 9,000	\$ (2,004)
Printing			\$ -	\$ 2,400	\$ (2,400)
Strategic Planning			\$ -	\$ -	\$ -
Publishing Agreements		\$ 1,429	\$ 2,250	\$ -	\$ 2,250
Support for Annual Institute	\$ 960		\$ 960	\$ 5,000	\$ (4,040)
Amicus Briefs			\$ -	\$ 5,000	\$ (5,000)
Listserv	\$ 70	\$ 70	\$ 560	\$ 850	\$ (290)
Postage			\$ 1	\$ 900	\$ (899)
Telephone		\$ 13	\$ 13	\$ 500	\$ (487)
Copying			\$ 50	\$ -	\$ 50
Other			\$ 357	\$ 1,000	\$ (643)
<b>Total Disbursements</b>	<b>\$ 11,671</b>	<b>\$ 8,285</b>	<b>\$ 50,770</b>	<b>\$ 113,150</b>	<b>\$ (62,380)</b>
<b>Increase</b>	<b>\$ (11,531)</b>	<b>\$ (6,332)</b>	<b>\$ 75,995</b>		<b>\$ 69,145</b>

**Additional Information**

Fund Balance \$ 138,296

ATTACHMENT 2 – FORMS COMMITTEE REPORT

Probate & Estate Planning Council – Forms Committee Report  
June, 2009  
Marlaine C. Teahan, Chair

The Forms Committee received many suggested form changes. After reviewing all suggestions, we are recommending changes to 9 SCAO forms. If approved, these suggestions will be submitted to SCAO for review at the September 3, 2009 annual SCAO Probate Forms meeting.

Revised Forms are attached to this report. A summary of the form revisions are as follows:

Trust Forms

- PC 610 is the one form change precipitated by the anticipated passage of the Michigan Trust Code (MTC) legislation. The form was modified to track the language used in the MTC. The revisions have been approved by the Forms Committee and the MTC Committee.

Probate Forms

- PC 565 changes the title of the form from “Testimony Interested Persons” to “Testimony to Identify Heirs”. This change is needed due to the new MCR 5.302(B) which became effective May 1, 2009. Text of rule: “Sworn Testimony Form. At least one sworn testimony form sufficient to establish the identity of heirs and devisees must be submitted with the application or petition that commences proceedings. A sworn testimony form must be executed before a person authorized to administer oaths.”
- PC 566 changes the title the form from “Supplemental Testimony Interested Persons” to “Supplemental Testimony to Identify Non-Heir Devisees”. This change is also being made based upon the new language contained in MCR 5.302(B), see text above.
- PC 577, Inventory, deletes outdated references to Guardians and Conservators. Given the addition of PC 674 (Inventory, Conservatorship), all references to conservators and guardians on the Estate Inventory form and instructions are deleted.
- PC 604 is changed to allow the Removal of a PR and Appointment of a Successor to be made by Application or by Petition, instead of only by Petition. EPIC Sections 3609, 3610, 3611(2), and 3614(a), and MCR 5.204 indicate that, in some cases, an application would be appropriate.

Guardianship and Conservatorship Forms

- PC 637, Order Following Review of Guardianship. The suggested changes are essentially an effort to make it clear to guardians that they must continue to file annual reports after an annual review is completed. Many mistakenly read the form to mean that the guardianship is simply continued and that they only have to worry about the next review date. A few other changes were made to make the form more cohesive.
- PC 640, 671, and 674 are all conservatorship forms. The changes indicated replace “protected person” with “protected individual” which is the proper defined term to be used. See EPIC Section 1106(t).

STATE OF MICHIGAN PROBATE COURT COUNTY OF	REGISTRATION OF TRUST	FILE NO.
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In the matter of \_\_\_\_\_  
Name of trust

1. Trust Settlor(s): \_\_\_\_\_

2. Original Trustee: <sup>(s)</sup> \_\_\_\_\_

3. Present Trustee: <sup>(s)</sup> \_\_\_\_\_ State <sup>(s)</sup> whose address is: \_\_\_\_\_

4. Date(s) of trust instrument and any amendments: terms of the \_\_\_\_\_

5. The principal place of administration of this trust is Michigan.

6.  a. The trust instrument designates this county as the place for registration.

b. The principal place of administration of this trust is in this county because

the trustee's usual place of business where the records pertaining to the trust are kept is in this county at

the trustee does not have a place of business where the records pertaining to the trust are kept and the trustee's residence is in this county at \_\_\_\_\_

7. This trust  is  is not registered elsewhere.

Name and address of other registration \_\_\_\_\_

8. The trust is a ~~testamentary~~ trust created by the will of \_\_\_\_\_, whose last will and testament was admitted to probate in the probate court of \_\_\_\_\_ County, \_\_\_\_\_ State, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

9. The trust is an oral trust created by \_\_\_\_\_ Name \_\_\_\_\_

on \_\_\_\_\_ Date \_\_\_\_\_ in the following manner: \_\_\_\_\_

oral  
Terms of the trust, including the subject matter, beneficiaries, and time of performance are: \_\_\_\_\_

Attorney signature \_\_\_\_\_

Date \_\_\_\_\_

Attorney name (type or print) \_\_\_\_\_ Bar no. \_\_\_\_\_

Trustee signature \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City, state, zip \_\_\_\_\_ Telephone no. \_\_\_\_\_

City, state, zip \_\_\_\_\_ Telephone no. \_\_\_\_\_

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STATE OF MICHIGAN  
PROBATE COURT  
COUNTY OF

TESTIMONY TO  
~~INTERESTED PERSONS~~  
IDENTIFY HEIRS

FILE NO.

Estate of \_\_\_\_\_

1. My name is: \_\_\_\_\_ My address is: \_\_\_\_\_

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

3. The date and time of death of the decedent is \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ and at that time, his/her domicile (residence) was: \_\_\_\_\_ Address \_\_\_\_\_

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

4. The decedent  did not leave a surviving spouse.  left a surviving spouse named: \_\_\_\_\_

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

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

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

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

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

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

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

SEE SECOND PAGE

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TO IDENTIFY HEIRS

If decedent left no surviving descendant, complete 7.

7. The decedent  did not leave a surviving father and/or mother.  left a surviving father and/or mother named:

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

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

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

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

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

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

Maternal grandparents: \_\_\_\_\_

Paternal grandparents: \_\_\_\_\_

12. The following heirs listed above are under legal disability. Their name(s), legal disability, and name of their representative are: \_\_\_\_\_

13. The following deceased heirs survived the decedent by more than 120 hours. Their name(s) and the name(s) of those who represent his or her interests are: \_\_\_\_\_

14. The following persons identified above did not survive the decedent by 120 hours. Their name(s), relationship to decedent, and date and time of death are as follows:

NAME	RELATION	DATE OF DEATH	TIME OF DEATH

The decedent left a will and some of the devisees named in the will and codicils are not heirs of the testator. A supplemental testimony form is completed and attached.

\_\_\_\_\_  
Witness signature

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

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

Notary public, State of Michigan, County of \_\_\_\_\_

\_\_\_\_\_  
Attorney signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Bar no.

\_\_\_\_\_  
City, state, zip

\_\_\_\_\_  
Telephone no.

STATE OF MICHIGAN  
PROBATE COURT  
COUNTY OF

SUPPLEMENTAL TESTIMONY TO  
~~IDENTIFY INTERESTED PERSONS~~ *NON-HEIR*  
DEVISEES *Testate Estate*

FILE NO.

Estate of \_\_\_\_\_

**\*\*\*USE THIS FORM ONLY IF A DEVISEE NAMED IN THE WILL OR CODICIL IS NOT AN HEIR OF THE TESTATOR\*\*\***

**NOTE: TREAT ALL PERSONS WHO DIED WITHIN 120 HOURS AFTER THE DECEDENT AS IF THEY DID NOT SURVIVE THE DECEDENT. List persons who died within 120 hours after the decedent in Item 17 below.**

15. The names of all devisees named in the will and codicils who are not heirs of the decedent (include testamentary trustees and beneficiaries of testamentary trusts) are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Of the devisees listed in 15, the following died before the decedent. Their name(s) and relationship(s) to the decedent are: \_\_\_\_\_  
\_\_\_\_\_

17. The following devisees died within 120 hours after the decedent. Their name(s), relationships to the decedent, and date and time of death are:

NAME	RELATIONSHIP	DATE OF DEATH	TIME OF DEATH

18. The following are descendants of the predeceased devisees named above, who survived the decedent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Class gifts in the will or codicils, where the members are not specifically identified by name, are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEE SECOND PAGE

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*TO IDENTIFY NON-HEIR DEVISEES*

20. The following devisees named above are under legal disability. Their names, legal disabilities, and names of their representative(s) are:

\_\_\_\_\_  
\_\_\_\_\_

21. The following deceased devisees survived the decedent by more than 120 hours. Their names and the names of those who represent their interests are:

\_\_\_\_\_  
\_\_\_\_\_

22. The guardian ad litem for each devisee under the will and codicils who is unborn, unknown, or unascertainable is:

\_\_\_\_\_

\_\_\_\_\_  
Witness signature

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

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Judge/Deputy register/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

\_\_\_\_\_  
Attorney signature

\_\_\_\_\_  
Name (type or print) Bar no.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip Telephone no.



<b>STATE OF MICHIGAN PROBATE COURT COUNTY</b>  <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>INVENTORY</b> <input type="checkbox"/> <b>AMENDED</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

I, \_\_\_\_\_, \_\_\_\_\_ submit the following  
Name (type or print) Title

as a complete and accurate inventory of all the assets of the estate and the fair market valuations as of the

- date of death (~~decedent's estate only~~)
- date of qualification as fiduciary (~~all other estates~~)

<b>PERSONAL PROPERTY AND REAL PROPERTY DESCRIPTION</b> (If property has been used to secure a loan [including an equity line of credit], show the nature and amount of the lien.) Definitions and instructions for completing the inventory are on the other side of this form.	<b>TOTAL VALUE OF PROPERTY</b>
<b>TOTAL ASSETS</b>	<b>0.00</b>

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

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

**NOTE:** Do not use this form if you are a conservator. Use form PC 674.

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## DEFINITIONS FOR THE INVENTORY:

- **Real property** means land, including a building or house that is built on the land.
- **Personal property** means everything that a person owns except real property. Personal property includes bank accounts and checking accounts.

## INSTRUCTIONS FOR COMPLETING THE INVENTORY:

1. List all real and personal property in the column "**Personal Property and Real Property Description.**"
2. When listing real property, provide the legal description of the property and the name of any other owner.
  - a. If real property has been used to secure a loan (including an equity line of credit), show the nature and amount of the lien.
  - b. If the value of real property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
  - c. ~~For conservatorships and guardianships, real property that the protected person owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.~~
3. When listing personal property, provide enough detail to adequately determine the value. Some items should be listed separately and some items should be combined under one category. Provide the name and address of each financial institution listed. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the personal representative.
  - a. Examples of items that should be listed and valued separately are:
    - Automobiles
    - Jewelry
    - Bank accounts
    - Antiques
    - Furniture
    - Any other individual item of high value (such as a fur coat)
    - Prepaid burial contracts
    - Life insurance (cash value)
    - Annuities
    - Mutual funds
    - Stocks and bonds
  - b. Examples of items that can be listed in categories are:
    - Household items such as dishes, flatware, curtains, linens, utensils, clothing, furnishings, etc. can be grouped into several categories or combined into one category.
    - Multiple copies or pieces of a specific item that have the same value such as stocks and bonds.
  - c. If personal property has been used to secure a loan, show the nature and amount of the lien.
  - d. If the value of personal property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
  - e. ~~For conservatorships and guardianships, personal property that the protected person owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.~~

APPLICATION  PETITION

Approved, SCAO

JIS CODE: PRF

STATE OF MICHIGAN  
PROBATE COURT  
COUNTY OF \_\_\_\_\_

~~PETITION~~ FOR REMOVAL  
OF PERSONAL REPRESENTATIVE AND  
APPOINTMENT OF SUCCESSOR  
(ESTATE NOT CLOSED)

FILE NO. \_\_\_\_\_

Estate of \_\_\_\_\_

1. I am interested in this estate as \_\_\_\_\_.

2. \_\_\_\_\_, appointed personal representative of the estate,

Name

died on \_\_\_\_\_,  is now subject to a conservatorship,  
and his/her appointment is terminated. (evidence of death or conservatorship is attached)

3. \_\_\_\_\_, personal representative of the estate, has executed a

Name

written statement of resignation and it is  attached to this petition.  already on file in this court.

4. \_\_\_\_\_, should be removed as

Name

personal representative  special personal representative of the estate because

a. removal is in the best interests of the estate.

b. the person who sought appointment of the current personal representative intentionally misrepresented material facts.

c. the personal representative

disregarded a court order.

is incapable of discharging the duties of office.

mismanaged the estate.

failed to perform a duty pertaining to office.

Supporting facts: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(PLEASE SEE OTHER SIDE)

Do not write below this line - For court use only

→ APPLICATION/

**7. REQUEST:**

a. \_\_\_\_\_ be removed as personal representative of the estate and all property of the estate be delivered to the successor when he or she qualifies.

b. \_\_\_\_\_ be directed to file a final account with this court.

c. \_\_\_\_\_

residing at \_\_\_\_\_  
Address City State Zip

or some other suitable person, be appointed  special  successor personal representative in place of the personal representative whose appointment has been terminated.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney signature

\_\_\_\_\_  
Petitioner signature

\_\_\_\_\_  
Name (type or print) Bar no.

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip Telephone no.

\_\_\_\_\_  
City, state, zip Telephone no.