

OAKLAND COUNTY PROBATE COURT

NOTICE RE: CALCULATION OF INVENTORY FEES aka GROSS ESTATE FEES

Prior to November 15, 2005, the Oakland County Probate Court calculated inventory/gross estate fees on the total (“gross”) estate value. Secured loans were not deducted.

On November 15, 2005, the Michigan Court Rules were amended to require courts to deduct secured loans for purposes of calculating the inventory/gross estate fee. *See MCR 5.307(A)*. The Oakland County Probate Court changed its practices to follow the court rule.

**THIS IS TO ADVISE YOU THAT THE CALCULATION OF
INVENTORY/GROSS ESTATE FEES HAS CHANGED AGAIN
PURSUANT TO A RECENT COURT OF APPEALS CASE.**

In Estate of Sandra Wolfe Haddad v. Oakland County and Oakland County Probate Court, ___ Mich App ___ #260478 (9/28/06) the Court of Appeals ruled that the statute, MCL 600.871(1) “requires probate courts to collect a fee based on the total value of all assets held by an estate that is subject to probate. The statute does not define the term ‘value’ to exclude security interests in the assets and does not otherwise provide for deductions based on security interests held in the estate’s assets. Because this statute is not ambiguous, it must be enforced as written ...” The Court of Appeals concluded that “to the extent that MCR 5.307(A) permits deductions not permitted by the statute, the court rule must yield.”

Effective November 1, 2006

Inventory fees will be calculated on the total gross value of the estate. NO DEDUCTIONS FOR SECURED LOANS WILL BE ALLOWED. This applies to all estates for which the inventory/gross estate fee has not yet been calculated.

**Oakland County Probate Court
(248) 858-0260**

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