

Tips on Opening Decedent Estates

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Opening a decedent estate is a fairly straightforward process. There are, however, a number of procedural and pleading requirements to keep track of that can prevent paperwork from being accepted for filing if not completed. Listed below are some of the most common issues we see that prevent documents from being accepted for opening decedent estates.

1. Informal Application:

a. The petitioner must have the original will in order to proceed with an *Application for Informal Probate and/or Appointment of Personal Representative* (PC558). If the petitioner does not have the original will, a *Petition for Probate and/or Appointment of Personal Representative* (PC559) (“formal” proceedings) must be filed with a request that a copy of the will be admitted.

b. All persons with equal priority to appointment must sign a *Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice* (PC567), not a Waiver/Consent, when filing an *Application for Informal Probate*.

2. Interested Persons:

a. Trusts are interested persons on an application or petition to open an estate when residue is being left to a trustee of a trust through a will. (The court would also need a *Supplemental Testimony, Interested Persons, Testate Estate* (PC566) identifying the trust as a devisee.)

b. If the address of an interested person is missing, a *Declaration of Intent to Give Notice by Publication* (PC617) is required with the initial pleadings.

3. Personal Representatives:

a. A phone number is required for all personal representatives.

b. A street address is required for all personal representatives. A P.O. Box is not acceptable unless the address of the personal representative is rural and a P.O. Box is the only address.

4. Both the *Testimony* and *Supplemental Testimony* forms require a notary to the witness signature.

5. Oakland County Probate Court requires a *Register’s Statement* (PC568) in Informal proceedings.

6. The *Legal News* does not have a “desk” in Oakland County. Clients must submit a *Notice to Creditors, Decedent’s Estate* (PC574) form to the court if publication is needed.

7. The Death Certificate must reflect an Oakland County residence for the decedent. If the Death Certificate does not show an Oakland County residence, the Death Certificate will need to be amended before the estate can be opened, or the petitioner will have to file a petition for a hearing to have the domicile of decedent determined before an appointment can be made.

Additional tips for both opening and closing decedent estates are available on the Oakland County Probate Court Web site at www.oakgov.com/probate. You’ll also find links to the necessary forms and other pertinent information on estates, as well as guardianships and conservatorships.

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