

# Miscellaneous Facts

by *Rebecca A. Schnelz*  
*Probate Court Administrator*



## Hearing Times

Judge Pezzetti and Judge Hallmark hear probate motion call on Wednesday at 8:30 a.m.

Judge Daniel A. O'Brien and Judge Ryan hear probate motion call on Wednesday mornings as well; however, they both hear initial petitions at 10:00 a.m. and all other matters at 8:30 a.m.

## Minor Guardianships

If you have a client who has been appointed as guardian of a minor, whether it is a full or limited guardianship, make sure that they thoroughly read their *Letters of Guardianship* as well as the order appointing them as guardian. Both documents contain a very specific provision that the guardian may not change the minor's residence from the state of Michigan without prior approval of the court.

It is also a good idea to be sure they understand the requirements regarding the annual report that must be filed with the court. Failure to file the report can lead to suspension of their powers.

## Guardian Ad Litem

For those of you who do GAL work on probate matters, please be sure to clarify with the judge on the record at each hearing whether or not you are released. Normally, the GAL will be released unless the judge specifically orders otherwise, but addressing the issue on the record will help to ensure there are no misunderstandings and clarify the issue for any interested parties in attendance.

## ADA Accommodations

If you or a client are in need of an accommodation under the Americans with Disabilities Act in order to access the court, please contact me at 248-858-5603 or the court's business administrator, John Cooperrider, at 248-858-0256. A *Request for Accommodation* form is available on the court's Web site at [www.oakgov.com/probate/info\\_pub](http://www.oakgov.com/probate/info_pub). This form will need to be completed for all accommodation requests and turned in to either Mr. Cooperrider or me. If you or your client are in need of an interpreter for the hearing impaired in relation to a court hearing, you may turn in the form to the court clerk and work with them directly regard-

ing the request. Please be sure to turn in the request as early as possible before the hearing to ensure time to process the request.

## COLA

Pursuant to MCL 700.1210, exemptions, allowances, small estate, small estate affidavit and intestate share amounts are adjusted yearly for inflation, rounded to the nearest \$1,000. Be sure to use the correct amount, which depends on the year the decedent died. Amounts to be used for decedents with a date of death in 2010 and 2011 are shown below.

Amount	Amount for 2010	Amount for 2011
Intestate (Surviving Spouse's share)	201,000	204,000
Intestate (Surviving Spouse's share - no children w/ decedent)	134,000	136,000
Homestead Allowance	20,000	20,000
Exempt Property Allowance	13,000	14,000
Family Allowance*	24,000	24,000
Small Estate	20,000	20,000
Small Estate Affidavit Procedure	20,000	20,000

**\* Amount that a personal representative can determine automatically without prior approval**

You may also wish to note that section MCL 700.7414 of the Michigan Trust Code (MTC) allows the trustee of a trust consisting of trust property having a total value less than \$50,000 to terminate the trust (after giving notice to qualified trust beneficiaries and the Attorney General if it is a charitable trust) if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. The \$50,000 amount is also subject to the COLA adjustment under MCL 700.1210.