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If you found this booklet helpful and would like to support the work of the Legal Hotline to assist grieving families, please make a tax deductible donation to us at our website, www.legalhotlineonline.org or through the State Bar of Michigan's Access to Justice Campaign at www.atjfund.org.



After the Loss of a Loved One

A Guide to
Legal and Emotional Concerns



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Additional Resources

Grief Resources

www.mihospice.org
www.aarp.org/families/grief_loss/
www.compassionatefriends.org/
www.naus.org/

Legal Resources

www.michiganlegalaid.org (legal information)
www.michbar.org/programs/lawyerreferral.cfm
(finding a lawyer)
www.michbar.org/elderlaw/faq.cfm (advanced directives, etc.)

Certified Public Accountants

www.michcpa.org/ (finding an accountant)

Making Funeral Arrangements

www.mfda.org/ (funeral homes in Michigan)
www.ftc.gov/bcp/online/pubs/services/funeral.htm
(consumer info)

Community Resources

www.miseniors.net/ (find aging resources)

Planning ahead

www.agingwithdignity.org (end of life planning)
www.aarp.org/families/end_life/



Plan for your own passing

We encourage everyone to prepare for their possible incapacity by selecting a patient advocate through a health care power of attorney and by having a durable power of attorney for finances. We also strongly encourage the creation and regular updating of a will. By taking these steps now, you can help make it easier for your family and friends when the time comes that you are ill or when you die.

Because many costly family disputes are about personal property, you may want to leave a list of personal items and who receives them, along with your will. Michigan law allows you to do this if the list is referenced in your will.

Call the Legal Hotline for Michigan Seniors for more information.

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Introduction

In the last 15 years, the Legal Hotline for Michigan Seniors has counseled thousands of older people about the decisions following the death of a close friend or family member. We recognized that written information exploring the connection between grief and the legal decisions that follow the death of loved ones would be helpful because the time immediately following the loss of an important person in your life (like a parent, spouse, or sibling) can leave you vulnerable to stress, misguided advice, or high pressure sales tactics that may lead to rushed decisions. Hasty choices may place you in financial or legal jeopardy and potentially limit future choices. Informed, considered choices are generally the best ones.

This guide is a quick reference to help you and your family cope with the loss of a loved one. Protect yourself, your rights, and the memory of the one who has passed by getting help from

*Do things that help
build strength and
provide comfort*



The following are just a few things that can build inner strength and provide comfort:

- Pray
- Join support groups
- Chant or Meditate
- Write your thoughts and memories in a journal
- Look at pictures or memorabilia that remind you of the good times with your loved one
- Listen to music that you love
- Read a book
- Participate in activities or hobbies that you love
- Take a class at the community college
- Getting involved in local groups that interest you.



***Recognize the common
experiences
of loss***

You will experience good days and days that seem to be so emotionally intense that even the simplest task such as bathing, eating or getting prepared to go out of the house seem near impossible. This is not unusual for a person that is experiencing grief; however, this can be very debilitating and unhealthy if you allow each day to pass without engaging in something to give you strength.

This approach, of caring for yourself, can help you gain clarity on the legal and financial decisions that lie ahead.

trusted spiritual, legal, and financial advisors before you act.

The Legal Hotline for Michigan Seniors is always available to help people age 60 and older with their legal questions at 1-800-347-5297 or at www.legalhotlineonline.org.

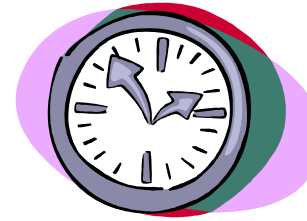
This booklet has been produced for the purpose of providing general legal information. It is not intended to take the place of the advice from a licensed attorney. If you have questions on the material in this booklet, you should consult with an experienced attorney.

If you find this booklet helpful and would like to support the work of the Legal Hotline to assist grieving families, please make a tax deductible donation to us at our website, www.legalhotlineonline.org, or through the State Bar of Michigan's Access to Justice Campaign at www.atjfund.org.

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*Take time for
yourself*

Spirituality is important to facilitate the grief process because it is part of healing. Spirituality is broad and may include religious practices for some people. Spirituality is the essence of a person's being or inner self. Religion can entail specific beliefs and worship such as prayer, confessions and scripture reading among other practices.

One can use religious practices to tap into this inner self but people who do not have a religious affiliation can do other things as noted below to successfully gain strength and peace during this time. Research has shown that people who engage in spiritual practices to foster peace and serenity within themselves are more likely to maintain emotional health during stressful times.

surviving spouse of someone that always managed the checkbook, it is understood that you might need help with the finances. If you are the surviving spouse of someone that always cooked and cleaned the house, of course you will need some help learning and taking over the new tasks. Consider taking classes at the local senior center or community college on these topics so that you can learn the skills you need.

If you relied on the income from your loved one, you may need to review your finances and adjust your spending accordingly. You don't want to make this time worse by getting into severe financial trouble because you didn't understand your financial situation.

SECTION I: DURING THE FIRST CRITICAL DAYS



Be willing to accept help from others and be wary of “new friends”

As human beings we are social creatures. The loss of a loved one is a critical time to accept and seek out help from trusted family, friends, spiritual leaders and professionals. We all need assistance in order to heal and move through difficult times.

Grief is a process and it should not be rushed or ignored. A death can involve feelings of guilt, loss, sadness, powerlessness, anger, gratitude, and ambivalence. Our bodies react both physically and emotionally immediately following a significant loss. As a result, we are very vulnerable emotionally and physically at this time. In fact, some of us have a tendency to isolate ourselves and neglect basic requirements



Utilize help from others

As you move through the grief process, realize that there are many avenues of help available to you. Funeral homes have bereavement staff members that can give you information regarding support groups and bereavement counseling in your area. If your loved one received hospice services, the hospice program usually has bereavement groups that you can join.

Additionally, you should let your friends and loved ones help you with any problems that you might have. Remember that you would gladly do the same thing for someone else, so you can feel confident that your friends will not mind helping you.

People will understand that you may need to ask for help with things that your loved one used to handle. They want to help! If you are a

SECTION III: HELP WITH THE HEALING PROCESS

like eating and grooming. We may feel very detached from everything as a result of the absence of our loved one.

To honor our loved one and to make responsible decisions, it is important to take care of our basic personal needs like eating and sleeping. You will be called upon to make many decisions in the days ahead and may need extra strength, courage and the help of others to make informed choices and protect your legal and financial interests for the future.

Use trusted legal and financial advisors to take care of short term immediate needs and planning for the future. Be wary of “new friends” who have come into your life. While they may be the start of wonderful relationships, be cautious if they offer to take care of financial matters, encourage the purchase of costly items or services, or seem overly interested in your inheritance. Be especially skeptical about any businesses that contact you.

The Legal Hotline for Michigan Seniors has experienced attorneys available to offer free

legal advice over the telephone if you don't have a lawyer or feel uncomfortable with this transition.

The initial 2-4 days following the death of a loved one are the most critical. Some tips to help you through this time are:

- **Surround yourself with people you love and trust.** Routinely, survivors report that spending time with family and or friends can be *the most helpful* coping strategy for people experiencing the loss of a loved one. Social contact is helpful during this time because it allows you to participate in conversations about your loss rather than suppress your feelings. Talk about your deceased loved one and memories associated with the history of this person.
- **Involve your spiritual community and advisor if you have one.** Religious leaders are highly trained and regularly assist with rituals and support during the loss of a loved one.

consult trusted advisors. It may seem like a good idea to add someone's name to the deed of the house or to the bank account, but you should be sure to know all of the possible implications. Often people do not understand the effects of hasty decisions which can lead to negative consequences like:

- Loss of control of property (no longer owned individually);
- Exposing property to the claims of creditors of all parties listed on the property (divorce, bankruptcy, etc.);
- Possible tax implications (if property transferred from you to someone else without you retaining an interest in the property);
- Losing eligibility for government benefits; and
- Loss of resources needed for other purposes.

Give yourself some time before making any changes and consult your attorney or the Legal Hotline to discuss the pros and cons.



Avoid major decisions

During this time, you might not be thinking as clearly as you will be a few months or a year later. You may be in mourning and this may not be the time to make decisions regarding important financial or legal transactions such as:

- Transfer of property to others or giving away things like cars, furniture, jewelry, art and other valuables;
- Make a major purchase, especially an unsolicited one;
- Sell your home or move; and
- Add the names of other people on your property and other assets.

Consider delaying all major decisions regarding your assets for at least 60-90 days and

- **Don't forget trusted psychological professionals.** If the deceased was involved with a hospice program, you can take advantage of bereavement services *up to 13 months after* the death of that person. The hospice social worker or the hospice chaplain can visit your home to support you through the grieving process. Professionals are especially useful in facilitating the grief process because you might be having feelings that you do not feel comfortable sharing with your family or friends.

For instance, if your relationship with your loved one included domestic violence or substance abuse, you might feel glad about the death and yet you might feel uncomfortable verbalizing your feelings. Disclosing such feelings to a professional will allow you to begin to heal from your loss while regaining control of your life.

***Be aware of how you
communicate***



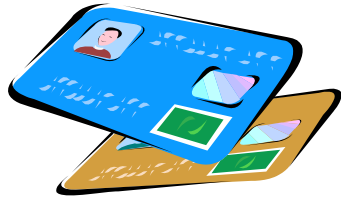
People do not have to say words in order to communicate an attitude, emotion, or mood. Experts suggest that people may adjust their behavior in response to the cues they receive from others. Take some time to reflect on your demeanor as you go through this emotional time.

Use verbal and non-verbal cues to let people know what you want and need. For instance, your appearance, body language, demeanor and attire may make the difference in receiving or not receiving support from others. People will be drawn to you and give you support when you appear to be open to hugs, hand shakes, and conversation. Reluctant eye contact, folded arms, or hostile language suggest that you are not open to support during this critical time and such

apartments. There is nothing under Michigan law that relieves a person of a debt just because they die before the end of the term of the agreement. If an estate is probated, the party holding the lease can make a claim against the estate. If there are no assets to be probated, there will be nothing for the party to collect. However, that also means that if you are living in an apartment with only the deceased's name on the lease, you may have to move or try to have the lease changed into your name.

Under Michigan law, a surviving spouse or child is not personally obligated for the individual debts of the deceased. The relative would only be responsible if he or she signed a contract for that purpose.

***Don't assume
you will have to
pay the debts of
the deceased***



Debts that are solely in the name of the deceased are not the responsibility of the spouse or family. Aggressive creditors may try to make you believe that you are now obligated to pay them, but never agree to assume that debt without understanding your rights and actual legal obligations. The creditor must make its claim against any assets that are left in the name of the deceased and handled through the probate process. This includes credit cards (if held only by the deceased) and any auto-drafts on bank accounts that are in the name of the deceased. See the previous discussion on bank accounts for more information on this.

One of the debts that is often misunderstood involves leases, including

behavior may distance people from you. Express your needs or desires clearly whenever possible. In most situations, those around you will appreciate honesty.

When people ask if there is anything they can do for you, be specific! They want to help and they will appreciate you clearly communicating tasks with which you need help. Don't feel ashamed or be afraid to

- ask them for help with**
- **house cleaning,**
 - **food preparation or shopping,**
 - **laundry,**
 - **picking up family members at the airport, etc.**

Remember, you would gladly do it for someone else and most people feel the exact same way. Your friends just want to help.



*Choose the memorial that is
right for you*

Making arrangements for a remembrance or mourning ritual or ceremony may be important for you and your family. Grief experts suggest that family, friends, and colleagues gathered to honor the deceased in a remembrance ceremony proves to be meaningful. If advance plans were made, ask for help in implementing them. You don't have to do it alone! If you are planning an event, make the most of this time and have the memorial you want in a way that helps you and the living.

Use a reputable funeral home. **The price of funeral services varies substantially.** Many people use a funeral home that family members have used in the past. It is advisable to get estimates before buying or agreeing to services.

Funeral providers are required by law to

Veteran's Benefits

Veteran's benefits are very similar to Social Security benefits. If the deceased was receiving Veteran's benefits, you should contact the Veteran's Administration and notify them of the death. You can call their toll-free number at 1-800-827-1000. They will help you determine whether or not any benefit payment must be returned. If you are the surviving spouse and also the military veteran, you will still need to contact the Veteran's Administration because your benefit may be based upon the fact that you were married. If you are unsure, you should call.

**You can contact the Veteran's
Administration at 1-800-827-1000 or
at www.va.gov.**

Changes to the Spouse's Social Security Benefit

A surviving spouse or divorced spouse (who was married to the deceased for 10 or more years) can contact Social Security to see if his or her check will increase due to eligibility for a widow/widower benefit. This can be helpful for budgeting for the future. The widow/widower benefit might change to a higher amount if the person with the highest amount of Social Security dies first. If the person with the lowest amount of social security dies first, the benefit may be unchanged. Social Security will only pay the highest benefit you are entitled to, not the combined amount you enjoyed when both of you were alive.

You can contact the Social Security Administration at 1-800-722-1213 or at www.ssa.gov.

give you accurate, up-to-date pricing information. They are also required to provide you with a free copy of price lists when you visit the funeral home. Funeral homes, but not cemeteries, are required to give you prices over the phone.

Don't be pressured into buying items or services you don't want or need if it is uncomfortable or unaffordable. Take a friend with you to say "no thanks," if you are unable to do it yourself.

Cost is an important factor in making a decision. It is not undignified to look at a variety of services and funeral homes. Price shopping or getting estimates and information is a great way for friends and family to help. Ask friends and neighbors which funeral home they have used and roughly how much it cost. You don't want the passing of a loved one to be marred by feeling that you paid too much.

Funerals, wakes, and memorial services are symbolic of the continuity of life because the

ceremony honors the deceased and affirms that the values, the spirit, and the memories of the deceased will continue through the memories of the survivors. Moreover, such gatherings connect you to others feeling of loss and give everyone the chance to share love and support.

The staff at funeral homes or clergy are excellent resources to assist in planning an event to mark the passing of a loved one. If it would be meaningful to you, involve religious or spiritual advisers in your plans.

If you were involved with a hospice program, the hospice chaplain or bereavement coordinator might be able to assist you to make arrangements for such rituals. Contact the prepaid funeral home or the hospice program that offered care/services to your loved one. These professionals may also help notify friends and family, secure necessary permits for the final arrangements, and obtain death certificates.

There's a growing interest in a return to the historic practice of family-directed funerals that

The Deceased's Social Security Benefits

Social Security benefits for a month are paid at the beginning of the next month. **No benefit is payable for the month of death.** A recipient must live through an entire month to be eligible for the benefit.

For example: if a person dies in July, the amount of the check received in August (which is payment for July) must be re-paid.

Social Security must be notified about the death of your loved one. You should call them at 1-800-722-1213. Do not be surprised if the hospital or nursing home notifies them.

If the benefit was direct deposited into a bank account, you can expect that either the bank will freeze the amount of the benefit or that the government will remove it from the account, even without notifying anyone. Be sure to plan accordingly so that you do not overdraw the account.



***Make sure you
understand Social
Security and Veterans
benefits***

Social Security Death Benefit

A Social Security death benefit of \$255 is payable to the surviving spouse, or if none, to children receiving benefits from the deceased's account. In order for the death benefit to be payable, the deceased person must have been receiving Social Security benefits or have been eligible to receive them.

In most cases, the surviving spouse does not have to apply for this benefit; it will be sent within a few months. However, children of the deceased will have to apply for this benefit within two years. You should call the Social Security Administration at 1-800-722-1213 to find out if you need to apply and how to do so.

do not involve using a funeral home. Some families find this participation to be very meaningful, and the practice can also be much less expensive. Preplanning is essential if you make this choice. Most states have requirements for filing death certificates and permits that must be followed. For more information, see the book "Caring for the Dead: Your Final Act of Love," by Lisa Carlson. It's a state by state manual of funeral and burial law and procedures written for families. You may also call the nonprofit Funeral Consumers Alliance for more information at 1 (800) 765-0107, or visit their web site at www.funerals.org.



Take advantage of military honors



If your loved one served in the military and you choose to highlight the veteran's service to our country, making final arrangements can be different from civilian funerals. As long as the veteran separated from active duty service in good standing, he or she is entitled to the following military ceremony, honors, or benefits:

- Playing of music by bugler
- Folding and presentation of the American Flag
- An honor guard and 21-gun salute
- Burial in national cemetery
- Burial at sea
- Grave Marker
- Presidential memorial certificate
- Burial and funeral-expense allowance

inquire about this. You may have to provide a copy of the death certificate.

Pension Benefits

If the deceased was receiving a private pension at the time of death, the surviving spouse may be eligible for a benefit. Many pensions must now pay a survivor benefit unless it was waived in writing by both spouses. Before 1985, there was no requirement for a survivor benefit, so if the deceased retired before 1985 with a life option/annuity, a surviving spouse benefit is most likely not available.

The rights to a pension benefit of a divorced spouse depend on the language of the judgment of divorce. If you have difficulties resolving a pension benefit, the Legal Hotline's Pension Rights Project can help with pension related issues for any person of any age. Call 1-800-347-5297 and indicate you need help with a pension problem for free assistance.

Check with the employer



Unpaid Wages or Benefits

When there is no probate estate and an employer owes wages, commissions or benefits, Michigan law provides for payment as designated by the deceased in writing. If there is no written designation, then payment is to be made to surviving relatives in this priority: spouse, children, parents, siblings.

Company Death Benefit

It is not uncommon for an employer to offer a death benefit to the spouse or family of its current or former employee. This is separate from any other benefit or pension. You should contact the human resource person at the employer to

Contact the Department of Veterans Affairs at (800) 827-1000 for information regarding the veterans' office in your area. You can also find out more information at their website, www.va.gov. If you are receiving services from a funeral home, the staff at the funeral home may be able to make these arrangements.



SECTION II: HANDLING THE ESTATE

account authorizes the bank to immediately transfer the funds to the named beneficiary.

If the deceased had a bank account with none of these instructions or provisions and only the deceased's name was on the account, you should notify the bank of the death and have the account frozen until the estate can be probated.

If any of the money in the account comes from a government benefit, be sure to read the information later in this booklet (pp. 35-37) on Social Security and Veterans benefits. You may have to return some or all of the money to the government later.

You can have your deceased loved one's name removed from marketing mailing lists. Visit the Direct Marketing Association's website at www.dmaconsumers.org/consumerassistance.html and click on the link "how to remove deceased individuals from marketing lists." There is a \$1.00 fee, payable by credit card, so that the DMA knows that it is a legitimate request.

Life Insurance Policy

If there was a life insurance policy, you should contact the insurance company and provide them with a copy of the death certificate. The insurance company can then pay the proceeds from the policy to the named *beneficiary*. This is the person that the deceased chose to receive the money. This process does not require probate unless all of the named beneficiaries has already died.

Bank Accounts

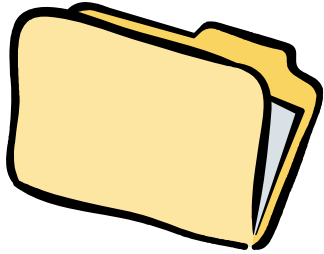
If the deceased had money in a bank account, it may automatically transfer to someone else at the time of death. This occurs when there was another name on the account and the account was a joint account with rights of survivorship, which is the case at most banks. This does not include persons that had a power of attorney.

Another way that someone else may have an immediate right to any money in the bank account is if it was set up to be a “payable on death” or “transfer on death” account. This type of

After you have completed the funeral arrangements for your loved one, you will eventually have to address the financial matters associated with their estate. Finalizing the affairs of your loved one may leave you feeling ambivalent and uncertain as to how to proceed. For instance, you might feel anxiety, frustration, guilt and fear about taking the next step. On the other hand, you might be hopeful that you can bring closure so that you will be able to move forward. Having positive or negative feelings regarding this process is common.

Take your time and consider all your options. Eventually you will begin to feel more at ease and better prepared to face the resulting legal issues. Many questions may arise such as:

- Who is entitled to pension and social security benefits?
- Am I entitled to the belongings and financial resources of the deceased?
- How does the pension, life insurance and social security work?
- Will I be responsible for the debts incurred by my loved one?



*Start by gathering
the necessary
documents*

For some people this can be a helpful step. This task offers structure during a time when you may feel very disconnected or disoriented. It can give you insight about your financial and legal situation and help plan for the future.

Here is a list of documents to gather:

- 📁 Insurance policies;
- 📁 Death certificate;
- 📁 Anatomical gifts or organ donor papers;
- 📁 Marriage certificate;
- 📁 Divorce decrees from previous marriages, if any;
- 📁 Will;
- 📁 Trust;
- 📁 Military discharge papers (if applicable);
- 📁 List of assets (e.g. personal property);

items as a way of remembering the deceased.

If you were the deceased person's power of attorney or guardian, your authority to act on that person's behalf ends with death. You will not be able to use these documents to handle the estate.

Vehicles

If no other assets need to be probated, the Secretary of State's office can transfer title to the deceased person's motor vehicles. The total value of the vehicles must be \$60,000 or less. Title is transferred to the surviving spouse, or if none, to an heir. You must provide a death certificate, the vehicle titles, and fill out a special form. (You can download this form from www.michigan.gov/sos)

If your loved one lived alone in an apartment, it may not be as easy to get his or her belongings. Most apartment complexes will require that you have court authority to enter the premises. The best way to do this is by following the procedures to handle a small estate, discussed next.

If the total assets of the deceased are less than \$18,000 (in 2005), a simple procedure called a **small estate proceeding** is available at the probate court. This is something that a non-attorney can usually handle on their own. Court Form PC 556 is used to transfer the assets to the individual who paid funeral expenses, then to the surviving spouse or heirs. You can call the Legal Hotline for help with this process. The money limit for this simple procedure changes each year.

If there is a dispute over who should get certain items, it may be necessary to probate the estate so that the court can help settle the matter. This may be a very hard matter to deal with because relatives and friends may want personal

- 📁 Bank account numbers;
- 📁 Social Security numbers for you and the deceased; and
- 📁 Previous year's tax return.

Remember to keep all of this information secure at all times to prevent identity theft.

If you believe that the will is located in a safety deposit box that was only in your loved one's name, you will have to get permission from the probate court to enter the box. In Michigan, you will have to file Form PC 551. However, this only allows you to look for a will or burial plot deed; no other documents can be removed without going through the probate process.

You will need the death certificate in order to handle several of the legal matters such as opening the estate, collecting death benefits, etc. You will usually receive several copies from your funeral director. If you don't receive them, or if you need additional certified copies, you can

obtain them from the county clerk's office in the county where the death occurred. You can also obtain a copy from the State of Michigan Vital Records Office. (You can order it online from www.michigan.gov.)

After locating the documents, it is helpful to obtain the telephone numbers and the contact person for each resource for future reference. Taking the time to gather contact information and writing it down in a known location can reduce frustration and save time. It can also reduce the time and cost if you use attorneys or accountants to help you. This is also another activity that **trusted** friends, family members or professionals can assist with to ease things for you.

Once you have collected these documents, organize them and store them together. Putting them together in an envelope, or better yet, using a 3-ring binder will prove useful and help you in the future if any questions come up. It will also make it easier for your family members, when the time comes, to handle your affairs.

you determine if you need to probate the estate. If you are unsure, you should consult an attorney.

The House

Assets titled in the name of husband and wife pass automatically to the surviving spouse. This is usually the case with a house that was purchased during the marriage. Probate is not required; however, the records at the Register of Deeds Office will need to reflect the death of an owner, especially if the real estate will be sold. This can be done at any time by filing a certified copy of the death certificate with the Register of Deeds in the county where the property is located. There is no time limit for this, but it will need to be done before the property can be sold.

Personal items and cash

Funds of \$500 or less or clothing left in a hospital or nursing home can be delivered to the deceased's surviving spouse, child or parent if no probate proceeding is pending.

Another concern is how long will it take to probate the estate. While it varies depending on the county that you live in and how many assets are in the estate, probate can be completed in approximately 6 months. Four of those months are required to give any creditors time to get paid with the assets in the estate. Remember, after probate is done, those creditors no longer have a claim.

Probate administration may not be necessary upon the death of an individual. If the person owned no property titled in his or her name alone, then there is no property to transfer and no need for probate. For example, if spouses own all of their property together as husband and wife, then upon the death of the first spouse the property passes automatically to the surviving spouse without the need for probate. Also, if the deceased made a trust which contained all of their assets, probate will not be necessary.

Some common situations and questions about assets in the estate are covered in the remainder of this section. This information help

***Understand the
basics of
“probate”***



The word “probate” is commonly used to refer to the administration of a deceased person’s estate. If a person dies testate (with a valid will), then the estate is distributed in accordance with the provisions in the will. If a person dies intestate (without a valid will), then the estate is distributed in accordance with the provisions of the state’s law, called intestate succession. The term *heirs* refers to those persons entitled to the property of the deceased under the intestate succession law. In most cases, the spouse is entitled to the majority of the property.

The term “estate” comes up frequently. An estate includes all of the assets of the deceased such as real estate AND personal property (i.e. car, furniture, stocks, bank accounts, etc.)

Probate is required to change the name of titled assets (like cars, houses, bonds, etc.) that do not automatically change at the time of death. Probate is also necessary to release the property from any future creditor claims. Once the estate is probated and closed, no creditor can make a claim against any of the property.

Many people don't understand the probate process, are fearful about it, and look for ways to "avoid probate." **Probate can be fairly simple.** There are some situations where things get complicated. A trusted, knowledgeable attorney is your best defense against overpaying for probate.

In Michigan, probate administration is under the jurisdiction of the **probate court**, which is generally organized along county lines. A petition to admit a will to probate, or a petition for the administration of the estate of a person who died intestate, should be filed in the probate court in the county in which the person resided at the time of his or her death.

The administration of a decedent's estate is

the task of the **Personal Representative**. In most instances, the personal representative hires an attorney, and perhaps other professionals (e.g. accountant, realtor) to perform services related to the administration of the estate. Many of the services provided are to satisfy the requirements of the probate court. Most of the cost of probate is the fees for attorney or other services. Because these professionals typically bill by the hour, the more time spent in complying with probate requirements, ironing out problems, or gathering documents, the greater the fees incurred.

It is strongly suggested that if, after reading the remainder of this information, you decide you need to probate the estate, you should contact an attorney in your area. If you don't know who to call, ask several friends and relatives if they can recommend an attorney.

If you are unable to locate an attorney that will handle probate of the estate, call the Legal Hotline and ask for a referral.