

SMALL ESTATE **ASSIGNMENT OF PROPERTY**

PLEASE READ BEFORE PROCEEDING

This information is the only information court personnel can give you about this procedure. This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required.

Probate court personnel cannot give legal advice about your particular situation or complete your forms for you. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance.

WHAT MUST BE FILED

- Petition and Order for Assignment and form MC 97 [PETITION FOR ASSIGNMENT](#) [MC 97](#)
- A copy of the Death Certificate
- A copy of the funeral/burial bill
- The original Last Will and Testament and any Codicils (if applicable)
- File fee - \$25.00 (make checks payable to **Eaton County Probate Court**)
- Certified copy fee - \$12.00
- Inventory fee – based on the gross value of the estate. (You may call the court at 517-543-7500 to obtain the amount of the fee once you have determined the value of the estate)
- File/Mail to: Eaton County Probate Court
1045 Independence Blvd
Charlotte MI 48813

Or file electronically at: probatecourt@eatoncounty.org

Michigan Law allows a small estate to be probated using an expedited process. The Court files any Wills and Codicils but does not admit them to probate. A personal representative is not appointed. The court issues an order assigning assets.

- The decedent must have been an Eaton County resident or was not a Michigan resident but left property in Eaton County, and does not have an estate open in another state.
- The total gross value of the estate (subtracting any funeral and burial expense which are either unpaid or were paid by someone other than the decedent) cannot be more than \$25,000.00 (for 2022).
Funeral and burial expenses are those expenses directly connected with the funeral or memorial service and with the burial or cremation. A bill must account for funeral and burial expenses from the funeral home.
A) If someone paid some or all of the funeral or burial expenses for the decedent, there must be a receipt from the funeral home indicating who paid and the amount paid.
- A description and value must be given of all property within the decedent's estate. List all information about the asset that is available.
 - For bank accounts, show the name of the bank, the account number(s), and the balance.
 - For stocks and bonds, show the name of the corporation, number of shares, price per share, and total value.
 - For autos, trucks, boats, etc., include a description and the vehicle identification number. (VIN)
 - For real estate, list the complete legal description, along with the street address.The law explicitly requires the valuation to be on the gross value of the estate, and so any liens, encumbrances, mortgages, etc., should not be subtracted from the value.
- You must list the heirs of the decedent. If the decedent left a surviving spouse, that spouse is an heir. If the decedent left any children, they are all heirs. If a child predeceased the decedent, then any children of that child are heirs. If the decedent left no spouse or children, then the parents are heirs. If the decedent's parents predeceased the decedent, then the brothers and sisters and issue (descendants) of predeceased brothers and sisters by right of representation are heirs.
- The Assignment of Property is an expedited procedure. The statute is very strict on how a decedent's estate may be assigned.
A) The estate must be applied to pay any unpaid funeral or burial expenses to the funeral home. If the estate is less than or equal to the amount of the unpaid funeral and burial expenses, then all of the estate goes to the funeral home.

- B) If there are assets left over after full payment to the funeral home, then any individuals or entities (including DHS) paying towards the funeral and burial expenses are to be reimbursed. If the estate is less than the total amount paid by others, then the estate is to be pro-rated according to the percentage each individual or entity paid.
 - C) If the funeral home and anyone paying funeral or burial expenses have been reimbursed and there are still assets remaining, the remainder is to be assigned to the surviving spouse. If there is no surviving spouse, then the remainder is to be assigned to the decedent's heirs. If the heirs happen to be children or other descendants of the decedent, then the assets will be assigned such that each child (whether alive or predeceased) represents an equal share.
- An individual entitled to receive all or a portion of a decedent's estate through an assignment of property may not assign the property to someone else.
 - The Assignment of Property process may not be appropriate in cases where the bulk of the estate is made up of an automobile, household belongings, or real property and there are multiple individuals entitled to the property. If this is the case, you may wish to speak to an attorney.