



Personal Representative - Probating Estates

Q: What is involved when you probate an estate?

A: When a death occurs in the State of Michigan, the individual's assets must be distributed according to probate law and the individual's will. If there is no will to follow, then only probate law will determine how the estate will be distributed.

Q: How does a will affect how you probate an estate?

A: A will provides direction to the Probate Court for the distribution of the deceased's assets. With a will, distribution of assets has been determined ahead of time and may be different than probate law. For instance, a will might name a church or charity as a recipient of some of the deceased's assets.

Q: How much money do you need to have before an estate is probated?

A: For assets valued at \$18,000 or less (after payment of funeral and burial expenses), a simple court order distributing small estates can be used. For estates valued over \$18,000, a more complex estate proceeding must be followed. The individual who completes this work is called a Personal Representative.

Q: Do I need an attorney to probate an estate?

A: No. However, the estate process can be complex. An attorney can be very helpful. The Guardian staff will work with an attorney when acting as a Personal Representative.

Q: How long is the process from beginning to end?

A: It varies depending on the complexity of the estate.

Q: How is the distribution of the estate made? Does it go to family?

A: If there is a valid will in place, the distribution will be made according to the provisions of the will. In the absence of a valid will, the probate law must be followed, and family members may receive a share of the assets.

Need more information? You can contact us or an attorney. Also, the probate courts can be contacted at:

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