

Jackson County Probate Court

312 S. Jackson St.
Jackson, MI 49201
Phone: 517-788-4290
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Diane M. Rappleye
Probate Judge

Julie A. Kelley
Probate Register

Emily L. Brennan
Chief Deputy Probate Register

Evelyn Meerman
Deputy Probate Register

Instructions for Petition to Reopen Estate

Completed paperwork must be legible and typed or written in ink. The Court is required by law to refuse any paperwork that is not legible.

There are two processes to reopen an estate that has been closed. An Application to Reopen Estate does not require a Court hearing. A Petition to Reopen Estate does require a Court hearing. The Application process is appropriate where the estate was closed by the personal representative upon proper completion of the estate's business, and now some issue has arisen that requires the estate be reopened. The Petition process is required where the estate was administratively closed by the Court.

You MUST use this packet if the estate was administratively closed by the Court.

Fees

- Filing Fee - \$150.00
- Certified Copies of Letters of Authority (optional) - \$10.00 per certification and \$1.00 per page (usually totals \$11.00 per certified copy)
 - Letters will only be issued if your application is granted.
- Inventory Fee – Varies based on the value of the estate. Call the Probate Office at the number above to verify the fee in your case. The inventory fee is due at the time you file to close the case or one year after the appointment of a personal representative, whichever comes first.
 - You are only responsible for paying the fee to the extent that it was not paid before the estate was closed.

Fees cannot be returned if your application is denied.

Forms

Please read all instructions carefully. Below, you will find specific instructions for each form contained in the packet.

1. Application/Petition to Reopen Estate (PC 607): Complete the entire form. Mark the "Petition" box at the top of page 1.
2. Fiduciary Proof of Identity: Complete this form with all requested information. The information required is the proposed personal representative's information. You must attach to the form a clear photo copy of the proposed personal representative's driver's license. Even if the proposed personal representative is eligible for appointment, Letters of Authority will not be issued unless this form is filed with the Court. This document is only used by the Court. It is not made available to the public.

3. Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice (PC 567): You only need to complete this form if you are requesting a different personal representative than was appointed before, and someone other than the proposed personal representative has a greater or equal right to appointment, and that person is willing to waive his or her right to be appointed personal representative.
4. Acceptance of Appointment (PC 571): This form must be completed in all cases. The form should be completed by the proposed personal representative. It indicates that person's willingness to serve in that capacity.
5. Letters of Authority for Personal Representative (PC 572): The top of this form must be completed in all cases. Do not fill in the date of appointment, expiration date, or sign the form. The second page details the duties of the personal representative. The proposed personal representative should read that page very carefully before agreeing to serve.
6. Order Regarding Appointment of Personal Representative (PC 605): Fill out only the top of the form. Check the "Reopening of Estate" box, fill in your case number, and fill in the name of the estate. The rest of the form will be completed by the Court.
7. Notice of Hearing (PC 562): Complete as much of this form as possible. Do not write in the date or time of the hearing, or the identity of the judge. This information will be provided when you file your documents with the Court.
8. Proof of Service (PC 564): After all paperwork has been filed with the Court you are responsible for making copies of all documents filed with the Court (not including the Fiduciary Proof of Identity) and serving them on all of the interested parties. Service must be completed at least 14 days before the scheduled hearing if served by mail, or at least 7 days before the hearing if personally served.

After serving all of the interested parties, you must indicate on this form who was served, how they were served, and when they were served. The form is then filed with the Court. Failure to file the Proof of Service may result in dismissal or adjournment of your case.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

APPLICATION PETITION
TO REOPEN ESTATE

FILE NO.

Estate of _____

1. I am interested in the estate and make this application/petition as _____
State your interest/relationship

2. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition except as follows: (For each person whose address changed, list the name and new address; attach separate sheet if necessary.)

3. _____ completed administration of the estate. (If applicable, check a. or b.)
Name
 a. At the time the estate was closed, the estate was subject to supervised administration. (Check "petition" in the title above.)
 b. The personal representative's authority to act has terminated because
 an order of complete estate settlement was entered following notice to all interested persons and following a hearing, and the personal representative was discharged.
 the sworn statement was filed more than one year ago.
 the estate was closed before April 1, 2000.
 the estate was administratively closed under MCL 700.3951.

4. _____ failed to perform the required duties, administration of the estate was not completed, and the estate was administratively closed by court order on _____
and remains closed. (A petition must filed.) Date
a. The required duties
 have not been performed.
 have been performed and the required filings are attached and being filed with this petition.
b. It is necessary that a successor personal representative be appointed to continue and complete administration of the estate.

5. The estate was administratively closed for good cause, after notice and hearing. (Check "petition" in the title above.)

6. It is necessary to reopen the estate because
 estate property valued at \$ _____ has been discovered and requires administration.
 there is other good cause to reopen the estate as follows:

(SEE SECOND PAGE)

Do not write below this line – For court use only

7. I REQUEST that the estate be reopened and that administration of the reopened estate be granted to

_____, _____
Name Address
_____, _____
City State Zip Telephone no.

the former personal representative. a successor personal representative. a special personal representative.

who has priority as _____ . Other persons having prior or equal right are

Name(s)

I declare under the penalties of perjury that this application/petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Attorney signature

Applicant/Petitioner signature

Attorney name (type or print) Bar no.

Applicant/Petitioner name (type or print)

Address

Address

City, state, zip Telephone no.

City, state, zip Telephone no.

FIDUCIARY PROOF OF IDENTITY

(To be completed by all fiduciaries)

PLEASE TYPE OR PRINT LEGIBLY

File Name: _____

File No. _____

Full Name of Fiduciary

DOB

DL#

Home Address

Own
 Rent

Home Phone (including area code)

City/State/ZIP

Work Phone (including area code)

YOU MUST ATTACH A LEGIBLE COPY OF YOUR DRIVER'S LICENSE

Occupation

Work Address

Employer Name

City/State/ZIP

Banking Institution

Address of Bank Branch

Banking Institution

Address of Bank Branch

Personal Reference:

Name

Address

Phone (including area code)

City/State/ZIP

This document is for Court use only and will NOT be part of the public record.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

RENUNCIATION OF RIGHT TO APPOINTMENT,
NOMINATION OF PERSONAL
REPRESENTATIVE AND WAIVER OF NOTICE

FILE NO.

Estate of _____

1. I, _____, have a prior or equal right to appointment as personal representative.

Name (type or print)

2. I renounce that right.

3. I have the right to nominate and I nominate and request the appointment of _____
as personal representative.

Name (type or print)

I renounce my right to nominate a qualified person to act as personal representative.

4. I waive notice of the appointment.

Date

Signature

Address

City, state, zip

Telephone no.

Attorney name (type or print)

Bar no.

Address

City, state, zip

Telephone no.

NOTE: A person with priority as determined by a probated will, including a person nominated by a power conferred in the will, does not through this priority have the power to nominate another to be personal representative.

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STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

ACCEPTANCE OF APPOINTMENT

FILE NO.

In the matter of _____

1. I have been appointed _____ of the person/estate.
Type of fiduciary

2. I accept the appointment, submit to personal jurisdiction of the court, and agree to file reports and to perform all required duties.

3. For a period of _____ days from the date of my appointment I exclude from the scope of my responsibility the
not to exceed 91 days
following real estate or ownership interest in a business entity: _____
Describe real property or business interest

_____ because I reasonably believe the real estate or other property owned by the business entity is or may be contaminated by a hazardous substance, or is or has been used in an activity directly or indirectly involving a hazardous substance that could result in liability to the estate or otherwise impair the value of property held by the estate.

_____ Date

_____ Signature

_____ Name (type or print)

_____ Address

_____ City, state, zip Telephone no.

_____ Date of birth

_____ Attorney Name (type or print) Bar no.

_____ Attorney Address

_____ City, state, zip Telephone no.

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

LETTERS OF AUTHORITY FOR
PERSONAL REPRESENTATIVE

FILE NO.

Estate of _____

TO:

Name and address

Telephone no.

You have been appointed and qualified as personal representative of the estate on _____ . You are authorized
to perform all acts authorized by law unless exceptions are specified below. Date

Your authority is limited in the following way:

- You have no authority over the estate's real estate or ownership interests in a business entity that you identified on your acceptance of appointment.
- Other restrictions or limitations are:

These letters expire: _____
Date

Date Judge (formal proceedings)/Register (informal proceedings) Bar no.

SEE NOTICE OF DUTIES ON SECOND PAGE

Attorney name (type or print) Bar no.

Address

City, state, zip

Telephone no.

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

Date Deputy register

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The following provisions are mandatory reporting duties specified in Michigan law and Michigan court rules and are not the only duties required of you. See MCL 700.3701 through MCL 700.3722 for other duties. Your failure to comply may result in the court suspending your powers and appointing a special fiduciary in your place. It may also result in your removal as fiduciary.

CONTINUED ADMINISTRATION: If the estate is not settled within 1 year after the first personal representative's appointment, you must file with the court and send to each interested person a notice that the estate remains under administration, specifying the reasons for the continued administration. You must give this notice within 28 days of the first anniversary of the first personal representative's appointment and all subsequent anniversaries during which the administration remains uncompleted. If such a notice is not received, an interested person may petition the court for a hearing on the necessity for continued administration or for closure of the estate. [MCL 700.3703(4), MCL 700.3951(3), MCR 5.144, MCR 5.307, MCR 5.310]

DUTY TO COMPLETE ADMINISTRATION OF ESTATE: You must complete the administration of the estate and file appropriate closing papers with the court. Failure to do so may result in personal assessment of costs. [MCR 5.310]

CHANGE OF ADDRESS: You are required to inform the court and all interested persons of any change in your address within 7 days of the change.

Additional Duties for Supervised Administration

If this is a supervised administration, in addition to the above reporting duties, you are also required to prepare and file with this court the following written reports or information.

INVENTORY: You are required to file with the probate court an inventory of the assets of the estate within 91 days of the date your letters of authority are issued or as ordered by the court. You must send a copy of the inventory to all presumptive distributees and all other interested persons who request it. The inventory must list in reasonable detail all the property owned by the decedent at the time of death. Each listed item must indicate the fair market value at the time of the decedent's death and the type and amount of any encumbrance. Where the decedent's date of death is on or after March 28, 2013, the lien amount will be deducted from the value of the real property for purposes of calculating the inventory fee under MCL 600.871(2). If the value of any item has been obtained through an appraiser, the inventory should include the appraiser's name and address with the item or items appraised by that appraiser. You must also provide the name and address of each financial institution listed on your inventory at the time the inventory is presented to the court. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the personal representative. [MCL 700.3706, MCR 5.307, MCR 5.310(E)]

ACCOUNTS: You are required to file with this court once a year, either on the anniversary date that your letters of authority were issued or on another date you choose (you must notify the court of this date) or more often if the court directs, a complete itemized accounting of your administration of the estate. This itemized accounting must show in detail all income and disbursements and the remaining property, together with the form of the property. Subsequent annual and final accountings must be filed within 56 days following the close of the accounting period. When the estate is ready for closing, you are also required to file a final account with a description of property remaining in the estate. All accounts must be served on the required persons at the same time they are filed with the court, along with proof of service.

ESTATE (OR INHERITANCE) TAX INFORMATION: You are required to submit to the court proof that no estate (or inheritance) taxes are due or that the estate (or inheritance) taxes have been paid. **Note:** The estate may be subject to inheritance tax.

Additional Duties for Unsupervised Administration

If this is an unsupervised administration, in addition to the above reporting duties, you are also required to prepare and provide to all interested persons the following written reports or information.

INVENTORY: You are required to prepare an inventory of the assets of the estate within 91 days from the date your letters of authority are issued and to send a copy of the inventory to all presumptive distributees and all other interested persons who request it. The inventory must list in reasonable detail all the property owned by the decedent at the time of death. Each listed item must indicate the fair market value at the time of the decedent's death and the type and amount of any encumbrance. Where the decedent's date of death is on or after March 28, 2013, the lien amount will be deducted from the value of the real property for purposes of calculating the inventory fee under MCL 600.871(2). You are required within 91 days from the date your letters of authority are issued, to submit to the court the information necessary to calculate the probate inventory fee that you must pay to the probate court. You may use the original inventory for this purpose. [MCL 700.3706, MCR 5.307]

ESTATE (OR INHERITANCE) TAX INFORMATION: You may be required to submit to the court proof that no estate (or inheritance) taxes are due or that the estate (or inheritance) taxes have been paid. **Note:** The estate may be subject to inheritance tax.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

ORDER REGARDING APPOINTMENT OF
PERSONAL REPRESENTATIVE

FILE NO.

REOPENING OF ESTATE

Estate of _____

1. Date of hearing: _____ Judge: _____ Bar no. _____

THE COURT FINDS:

2. Notice of hearing was given to or waived by all interested persons.

3. A petition was filed requesting a properly administratively closed estate be reopened, and there is good cause to reopen the estate.

The former A successor A special personal representative should be appointed.

4. A petition for removal of the personal representative was filed by an interested person. One or more circumstances for removal, set forth in MCL 700.3611, have been proven. have not been proven.

5. On petition of an interested person, motion of the court, the appointment of a special personal representative is necessary to preserve the estate or secure its proper administration.

6. The personal representative: (check all that apply)

has died and a successor must be appointed.

had a conservator appointed for the personal representative's estate and a petition for appointment of a successor or special personal representative has been filed and a successor must be appointed.

filed a resignation or desire to resign and should be permitted to resign and a successor appointed.

should be removed and a successor appointed.

7. Findings of fact and conclusions of law were made on the record.

8. An emergency exists and a special personal representative should be appointed without notice.

IT IS ORDERED:

9. _____ is removed/permitted to resign.

Name of personal representative

S/he shall file with this court and serve on the interested persons a final account no later than _____.

The property remaining in the name of, or under the control of, the removed personal representative shall be disposed

of as follows: _____.

10. _____ is appointed

Name _____ Address _____

City _____ State _____ Zip _____ Telephone no. _____

successor personal representative special personal representative personal representative

with the following powers and duties: _____

An acceptance of appointment is to be filed.

Bond is fixed at \$ _____.

The personal representative is not permitted to act until letters of authority are issued.

The estate is reopened. Letters of authority expire on _____.

The special personal representative's appointment terminates on _____.

Administration shall be supervised.

11. The petition is denied.

Date

Judge

USE NOTE: This order is used with a petition for removal (Form PC 604) or with a petition to reopen estate (form PC 607)

Do not write below this line - For court use only

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF

NOTICE OF HEARING

FILE NO.

In the matter of _____
First, middle, and last name

TAKE NOTICE: A hearing will be held on _____ at _____,
Date Time

at _____ before Judge _____
Location Bar no.

for the following purpose(s): (state the nature of the hearing)

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

_____ Date

_____ Attorney name Bar no.

_____ Petitioner name

_____ Address

_____ Address

_____ City, state, zip Telephone no.

_____ City, state, zip Telephone no.

USE NOTE TO COURT: If this hearing is for a guardianship matter involving an Indian child as defined in MCR 3.002(12), you must comply with MCR 5.109(2).

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

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STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

PROOF OF SERVICE

FILE NO.

In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	TOTAL FEE
\$		\$	
Incorrect address fee	Miles traveled	Fee	
\$		\$	\$

Date

Signature

Name (Type or Print)

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