

HOUSE BILL No. 5503

March 22, 2016, Introduced by Reps. Kesto and Tedder and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 1303 (MCL 700.1303), as amended by 2000 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1303. (1) In addition to the jurisdiction conferred by
2 section 1302 and other laws, the court has concurrent legal and
3 equitable jurisdiction to do all of the following in regard to an
4 estate of a decedent, protected individual, ward, or trust:

5 (a) Determine a property right or interest.

6 (b) Authorize partition of property.

7 (c) Authorize or compel specific performance of a contract in
8 a joint or mutual will or of a contract to leave property by will.

9 (d) Ascertain if individuals have survived as provided in this

1 act.

2 (e) Determine cy-pres or a gift, grant, bequest, or devise in
3 trust or otherwise as provided in 1915 PA 280, MCL 554.351 to
4 554.353.

5 (f) Hear and decide an action or proceeding against a
6 distributee of a fiduciary of the estate to enforce liability that
7 arises because the estate was liable upon some claim or demand
8 before distribution of the estate.

9 (g) Impose a constructive trust.

10 (h) Hear and decide a claim by or against a fiduciary or
11 trustee for the return of property.

12 (i) Hear and decide a contract proceeding or action by or
13 against an estate, trust, or ward.

14 (j) Require, hear, or settle an accounting of an agent under a
15 power of attorney.

16 (k) Bar an incapacitated or minor wife of her dower right.

17 (2) If the probate court has concurrent jurisdiction of an
18 action or proceeding that is pending in another court, on the
19 motion of a party to the action or proceeding and after a finding
20 and order on the jurisdictional issue, the other court may order
21 removal of the action or proceeding to the probate court. If the
22 action or proceeding is removed to the probate court, the other
23 court shall forward to the probate court the original of all papers
24 in the action or proceeding. After that transfer, the other court
25 shall not hear the action or proceeding. ~~, except by appeal or~~
26 ~~review as provided by law or supreme court rule, and the action or~~
27 ~~proceeding shall be prosecuted in the probate court as a probate~~

1 ~~court proceeding.~~

2 (3) The underlying purpose and policy of this section is to
3 simplify the disposition of an action or proceeding involving a
4 decedent's, a protected individual's, a ward's, or a trust estate
5 by consolidating the probate and other related actions or
6 proceedings in the probate court.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5502 (request no.
11 02243'15) of the 98th Legislature is enacted into law.