

Act No. 184
Public Acts of 1995
Approved by the Governor
October 20, 1995
Filed with the Secretary of State
October 23, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Senator Dunaskiss

ENROLLED SENATE BILL No. 459

AN ACT to amend section 493 of Act No. 642 of the Public Acts of 1978, entitled as amended "An act to revise and consolidate the laws relative to the probate of decedents' estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; and to repeal certain acts and parts of acts," being section 700.493 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 493 of Act No. 642 of the Public Acts of 1978, being section 700.493 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 493. (1) If a person dies testate or intestate leaving property in this state to be administered, and if 1 or more of the apparent heirs or devisees of the person's estate has disappeared, the distribution of that portion of the estate that would be distributed to the disappeared heir or devisee, if alive, shall not be made until the lapse of 18 months after the death of the decedent.

(2) Before the distribution of the portion in question, the personal representative of the estate shall cause to be published, at the expense of the persons ultimately receiving the portion, a notice signed by the representative and addressed to the disappeared heir or devisee by name and to the disappeared heir's or devisee's unknown presumptive heirs and devisees. The notice shall state that unless cause to the contrary is shown, on a specified date after the lapse of the period of 18 months, an order of distribution will be made by the court for the portion in question as though the disappeared heir or devisee predeceased the decedent.

(3) The notice required under subsection (2) shall be published in a newspaper of general circulation in the county once each calendar month for 4 months before the month containing the day certain when the order is to be made. Within 30 days after the date of the first publication, copies of the notice shall be given as provided by supreme court rule to each person named in the notice and to others who would be entitled to receive the portion if the disappeared heir or devisee were dead.

(4) If a person does not make a claim on or before the date specified in subsection (2), on that date the portion of the estate that would be distributed to the disappeared heir or devisee, if alive, less expenses, shall be distributed by order of the court to each person who would be entitled to the portion if the disappeared heir or devisee predeceased the decedent, and the disappeared heir or devisee and the disappeared heir's or devisee's unknown heirs and devisees are forever barred from all claim or right to the portion.

(5) An heir or devisee is considered to have disappeared under this section if the heir or devisee meets all of the following:

(a) The heir or devisee has been absent from his or her last known place of abode for at least 5 continuous years.

(b) The heir's or devisee's whereabouts were unknown by those individuals most likely to know of his or her whereabouts during the time required by subdivision (a).

(c) The heir or devisee has not communicated with any of those individuals most likely to receive communication from him or her during the time required by subdivision (a).

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.

(b) The heir's or devisee's whereabouts were unknown by those individuals most likely to know of his or her whereabouts during the time required by subdivision (a).

(c) The heir or devisee has not communicated with any of those individuals most likely to receive communication from him or her during the time required by subdivision (a).

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.