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## **SALE OF A WARD'S REAL PROPERTY**

**House Bill 6094**

**Sponsor: Rep. Rose Bogardus**

**Committee: Judiciary**

**Complete to 9-18-98**

### **A SUMMARY OF HOUSE BILL 6094 AS INTRODUCED 9-17-98**

The bill would amend the Revised Probate Code to place restrictions on a guardian's ability to sell a ward's real property. In cases where a conservator had not been appointed for the ward's estate, a guardian would be prohibited from selling his or her ward's real property except as authorized by the court. The court could only authorize the sale of a ward's real property after notice and a hearing that showed that the sale of the real property would be in the ward's best interests and that the ward had consented or was incapable of consenting to the sale.

In addition, the bill would add to the list of powers that the court has to act, either directly or through a conservator, with respect to the estate and affairs of a protected person (a minor or other person for whom a conservator has been appointed). Specifically, the bill would allow a court to sell a protected person's primary residence or to purchase a prepaid funeral or burial service contract, provided that the court was satisfied, after notice and a hearing, that the action was in the person's best interests and that the person was incapable of consenting or had consented to the proposed action. The bill would also specify that a conservator could not purchase a prepaid funeral or burial service contract without court authorization.

MCL 700.455, 700.468, and 700.484

**House Bill 6094 (9-18-98)**

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.