

HOUSE BILL NO. 4457

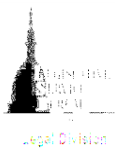
April 16, 2019, Introduced by Reps. Wakeman, Lightner, Howell and Marino and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3203 (MCL 700.3203), as amended by 2018 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3203. (1) For either formal or informal proceedings,
2 subject to subsection (2), persons who are not disqualified have
3 priority for appointment as personal representative in the
4 following order:

5 (a) The person with priority as determined by a probated will
6 including a person nominated by a power conferred in a will.



1 (b) The decedent's surviving spouse if the spouse is a devisee
2 of the decedent.

3 (c) Other devisees of the decedent.

4 (d) The decedent's surviving spouse.

5 (e) Other heirs of the decedent.

6 (f) After 42 days after the decedent's death, the nominee of a
7 creditor if the court finds the nominee suitable.

8 (g) After 63 days after the decedent's death, or if the court
9 determines exigent circumstances exist, **including, but not limited**
10 **to, the disposition of the decedent's body**, the state or county
11 public administrator if any of the following apply:

12 (i) No interested person applied or petitioned for appointment
13 of a personal representative within 63 days or the number of days
14 determined by the court under this subdivision after the decedent's
15 death.

16 (ii) The decedent died apparently leaving no known heirs.

17 (iii) There is no spouse, heir, or beneficiary under a will who
18 is a United States resident and is entitled to a distributive share
19 in the decedent's estate.

20 (2) An objection to the appointment of a personal
21 representative may be made only in a formal proceeding. If an
22 objection is made, the priorities prescribed by subsection (1)
23 apply except in either of the following circumstances:

24 (a) If the estate appears to be more than adequate to meet
25 exemptions and costs of administration but inadequate to discharge
26 anticipated unsecured claims, on petition of creditors, the court
27 may appoint any qualified person.

28 (b) If a devisee or heir who appears to have a substantial
29 interest in the estate objects to the appointment of a person whose



1 priority is not determined by will, the court may appoint a person
2 who is acceptable to the devisees and heirs whose interests in the
3 estate appear to be worth in total more than 1/2 of the probable
4 distributable value or, if no person is acceptable to these
5 devisees and heirs, any suitable person.

6 (3) A person entitled to letters under subsection (1)(b) to
7 (e) may nominate a qualified person to act as personal
8 representative. A person may renounce his or her right to nominate
9 or to an appointment by filing an appropriate writing with the
10 court. If 2 or more persons share a priority, those of them who do
11 not renounce shall concur in nominating another to act for them or
12 in applying for appointment.

