STATE PUBLIC ADMINISTRATOR

Act 194 of 1947

AN ACT to provide for the administration of the estates of deceased persons in certain cases; to provide for the appointment of a public administrator for the state; to provide for the appointment of county public administrators; and to define and prescribe their powers and duties.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- Am. 1976, Act 180, Imd. Eff. July 1, 1976

The People of the State of Michigan enact:

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720.201 State public administrator; appointment, term, salary, expenses.

Sec. 1.

There shall be a public administrator for the state of Michigan, to be known in this act as the "state public administrator." The governor shall appoint, upon the recommendation of the attorney general, 1 of the assistants attorney general to act and hold office during the pleasure of the governor as such state public administrator. Such assistant attorney general shall receive no other or further annual salary than that paid to him as an assistant attorney general for services performed while acting as state public administrator. His actual and necessary traveling expenses shall be allowed and paid in the same manner as other accounts of assistants attorney general of like nature are allowed and paid, and the attorney general shall provide him with stationery, supplies and equipment and such legal and clerical assistance as may be required in the maintenance and performance of the duties of his office.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.201

720.202 County public administrator; appointment, qualifications, and term; source of compensation.

Sec. 2.

The state public administrator, when he deems it necessary because of the volume or nature of the duties of his office to engage assistance in the performance thereof, may appoint in any county of this state, as county public administrators, thereof and therefor, any person or persons suitable and competent to administer estates of deceased persons. Each county public administrator shall hold office at the pleasure of the state public administrator and shall be appointed to act as county public administrator only in and of the county in which he maintains his legal residence or principal place of business. A county public administrator shall not receive a salary or other emoluments of office but shall, when appointed fiduciary of an estate by virtue of this act, be allowed all necessary expenses incurred in the administration thereof, together with other fees, compensation, and allowances authorized by statute and by order of the judge of probate to be paid the fiduciary out of the estate, all of which expenses, fees, compensation, and allowances shall be paid out of the corpus of the estate administered. In a county of this state in which there is no person both suitable and willing to act as a county public administrator in and for the county, the state public administrator may appoint the county public administrator of an adjoining county to act in that county.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.202 ;-- Am. 1976, Act 180, Imd. Eff. July 1, 1976

720.203 Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's Notes: The repealed section pertained to conditions of granting administration of estate to state public administrator.

720.204 State public administrator; filing copy of appointment of county public administrator, letters of administration.

Sec. 4.

Whenever the state public administrator shall file with the probate court of any county a copy, certified by said state public administrator, of the appointment of a county public administrator to act in the county in which the certificate is so filed, then letters of administration may, instead of being issued and granted to the state public administrator, be granted and issued to such county public administrator, and he shall be entitled to receive the same at any time that his appointment as such remains in full force and effect.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.204

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720.205 Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's Notes: The repealed section pertained to petition for administration.

720.206 State or county public administrator; powers and authority.

Sec. 6.

The state public administrator and the duly appointed and acting county public administrators shall have all the powers and authority of a fiduciary now or hereafter conferred by law, and shall be subject to the same obligations and liabilities in the administering of estates coming under their control by reason of their appointment as fiduciary under the provisions of this act. It is the intent of this act that all estates coming within the supervision and control of the state public administrator and the control of the duly appointed and acting county public administrators shall be administered in like manner as other estates of decedents are or may be administered, except only as herein provided.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.206

720.207 State or county public administrator; bonds.

Sec. 7.

Instead of a separate bond for each estate, the state public administrator shall give a general bond running to the people of the state of Michigan, conditioned for the faithful administration of all estates on which letters of administration may be granted to him, which bond shall be in the penal sum of $10,000.00 with sufficient surety or sureties to be approved by the governor. Every county public administrator, before letters of administration shall be granted to him in

connection with any estate in which he may be called upon to act as fiduciary under the provisions of this act, shall give a bond in each separate estate to the judge of probate with such surety or sureties and in such amount as he shall direct and approve, said bond to embrace and include the same conditions required of any other fiduciary appointed and acting under the general probate laws of this state.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.207

720.208 Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's Notes: The repealed section pertained to appointment of special administrator.

720.209 State public administrator; vacancy, filling; bond of predecessor fiduciary, continuation.

Sec. 9.

In case of a vacancy occurring in the office of state public administrator from any cause, it shall be the duty of the governor and the attorney general to fill such vacancy forthwith in the manner as in this act provided for appointment of a state public administrator. Upon qualification for such office the succeeding state public administrator shall be the fiduciary of any unclosed estate to which his predecessor was appointed fiduciary under the provisions of this act, and he shall forthwith notify each probate court having jurisdiction of any such unclosed estate of such appointment, and such successor state public administrator shall be entitled to the possession of all the property, bank accounts, books, papers and records pertaining to any such estate, and shall, under the direction of said probate court, proceed to completion of administration of any such estate. The bond of such predecessor fiduciary may be continued as the bond of the new appointee, with the consent of the surety or sureties thereon, but in the event of a new bond being filed, the surety, if a corporation, shall refund the unearned premium on such cancelled bond.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.209

720.210 County public administrator; vacancy, filling.

Sec. 10.

In case of a vacancy occurring in the office of county public administrator in and for any county from any cause, the state public administrator may fill such vacancy forthwith and thereupon notify the probate court of the county in which such vacancy occurred of the fact of such vacancy and the name of the county public administrator so appointed to fill such vacancy.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.210

720.211 County public administrator; termination of appointment; petition to resign trust and for discharge; final accounting.

Sec. 11.

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Whenever the appointment of any county public administrator shall terminate, other than by reason of death or incapacity, it shall be within the discretion of the state public administrator either to permit such county public administrator whose appointment has terminated to proceed with the administration of any estate in which he has been appointed fiduciary by virtue of the provisions of this act, or to make written request that such county public administrator present to the probate court, within a reasonable length of time, a petition in manner and form as is in the general probate laws of this state provided, praying that he be permitted to resign his trust, together with his final account, praying also that such final account may be judicially settled and that he be discharged in accordance with the provisions of the general probate laws. The said petition, when made pursuant to the written request of the state public administrator, acting for and in the interests of the people of the state of Michigan, shall constitute sufficient grounds for the entertaining thereof by the judge of probate having jurisdiction of any such estate, and for the granting of the prayer thereof: Provided, That where it appears from such final account that any such estate has been fully administered, upon the allowance thereof by the judge of probate, such fiduciary may be permitted to proceed to close out said estate, to distribute the residue thereof, and to receive his discharge according to law.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.211

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720.212 County public administrator; petition to remove on failure to render final account; proof of mailing; notice of hearing; release of sureties.

Sec. 12.

Whenever the state public administrator shall request any county public administrator, whose appointment as such has terminated, to present within a reasonable length of time to the probate court the aforesaid petition, praying that he be permitted to resign his trust, together with his final account as in this act provided, and such former county public administrator has failed, neglected or refused to comply with such request, the attorney general or the state public administrator, may thereupon, on behalf of the people of the state of Michigan, petition the probate court for the removal of such former county public administrator as fiduciary of any estate in which he received such appointment by virtue of the provisions of this act. The said petition of the attorney general or the state public administrator shall have attached thereto a true copy of the aforesaid request, together with proof of mailing thereof to the former county public administrator at his last known place of business at least 10 days prior to the date of filing of said petition, and such petition shall thereupon constitute sufficient grounds for the granting of the prayer for the removal of said fiduciary and the entry of an order by the judge of probate directing said fiduciary to render his final account: Provided, That notice of hearing on said petition shall be in manner and form as provided in the general probate laws of this state: Provided further, That the sureties of such fiduciary shall not be released from liability until such fiduciary shall have fully settled and adjusted his accounts as by law required.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.212

720.213 County public administrator; accounting and petition for compensation; proof of mailing; approval.

Sec. 13.

Whenever a county public administrator whose appointment has terminated shall present to the probate court the final account as in this act provided, or whenever any county public administrator shall have rendered any account in any estate in which he has been appointed fiduciary under the provisions of this act, he shall, within 24 hours after same is regularly noticed for hearing, mail to the state public administrator a true copy of such account, together with any petition for extra compensation or allowance filed in conjunction with said account, and file proof of mailing thereof with the probate court. The state public administrator upon receipt thereof shall examine such account and may indicate his approval or disapproval thereof to the probate judge having jurisdiction thereof prior to the date of hearing thereon, and may appear in said probate court to contest any or all parts thereof and the attorney general may appear in like manner for the same purpose, and the said judge of probate shall not pass upon said account in the absence of the aforesaid proof of mailing.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.213

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720.214 County public administrator; termination of appointment as special administrator; final accounting, filing; general administrator.

Sec. 14.

In all estates wherein the county public administrator whose appointment has terminated is acting as special administrator by virtue of the provisions of this act, he shall, upon the request of the state public administrator, forthwith prepare and file final accounts as such special administrator and notice the same on for hearing as provided in the general probate laws of this state, and shall within 24 hours thereafter transmit a true copy thereof to the state public administrator, filing proof of mailing thereof in the probate court. The state public administrator shall have the same powers and duties in respect to the said accounts of the special administrator as is in this act provided for general administration. In the event that there remains in such estates assets to be administered, the said state public administrator, or any county public administrator specifically designated by him, shall forthwith petition for the appointment of a county public administrator as general administrator of such estates, pursuant to the provisions of this act.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.214

720.215 County public administrator; vacancy due to death or incapacity, filling.

Sec. 15.

Whenever a vacancy shall occur in the office of county public administrator because of the death or incapacity of such county public administrator, the state public administrator, or any county public administrator specifically designated by him, shall petition the probate court, pursuant to the provisions of this act, for appointment as special and/or successor general administrator in each estate in which such deceased or incapacitated county public administrator was appointed fiduciary by virtue of the provisions of this act.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.215

720.216 County public administrator; appointment as successor fiduciary; allowance of fees.

Sec. 16.

Whenever any county public administrator shall be appointed as a successor fiduciary of any estate pursuant to the provisions of this act, he shall be allowed only a ratable and proportionate fee for this service, the same to be as provided by the general probate laws of this state and as determined by the judge of probate, to the end that the corpus of no estate shall be unjustifiably diminished by reason of the change of fiduciary as herein provided.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.216

720.217 County public administrator; report by fiduciary as to facts causing delay and preventing closing of estate.

Sec. 17.

Whenever any county public administrator shall have been appointed fiduciary of any estate by virtue of the provisions of this act, and more than 1 year shall have elapsed since the date of issuance of letters of administration to such fiduciary, and said estate shall not have been closed, the said fiduciary shall in writing inform the state public administrator of the facts and circumstances preventing the closing of such estate.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.217

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720.218 State or county public administrator; escheated property turned over to state treasurer.

Sec. 18.

If the state public administrator or a county public administrator has been appointed fiduciary of an estate under the provisions of this act and has completely administered the estate and if the residue of the estate has been assigned to the people of the state of Michigan as an escheated estate by the judge of probate having jurisdiction of the estate, the fiduciary shall deliver the assigned residue to the state treasurer pursuant to the uniform unclaimed property act, together with a true copy of petition for appointment of administrator and certified copies of final account, order allowing final account, and order assigning residue. In addition to the requirements under the uniform unclaimed property act, the state treasurer, upon receipt of the residue of the estate, shall furnish the fiduciary with official receipts for the residue, in duplicate, 1 to be filed with the probate court having jurisdiction of the estate, the other to be retained by the fiduciary. The fiduciary shall deliver to the state treasurer, together with the residue, any personal effects of the deceased, such as abstracts of title pertaining to real estate that has escheated to the state, unsurrendered insurance policies, receipts, documents, correspondence, or other material having probative value that has come into the possession of the fiduciary and would tend to prove or refute any future claim of ownership in or to the residue. The state treasurer shall hold the personal effects of the deceased pursuant to the uniform unclaimed property act and make them a part of the records of the estate.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.218 ;-- Am. 1995, Act 47, Eff. Jan. 1, 1996

720.219 State or county public administrator; interest in estate property prohibited.

Sec. 19.

No state public administrator or county public administrator, when appointed fiduciary of any estate by virtue of the provisions of this act, shall directly or indirectly, in any manner whatsoever, acquire any interest in, or bargain for, any property or any benefits incident to such property, which shall or may come into his possession or under his control as such fiduciary, nor shall he acquire any interest in, or bargain for, any property belonging to any other estate being administered by any county public administrator who has been appointed fiduciary thereof by virtue of the provisions of this act. Further, no such fiduciary shall commingle the funds and property of any such estate with his own or with any other property or funds: Provided, however, That such fiduciary may place on deposit in 1 or more bank accounts such funds as come into his possession as such fiduciary but any interest received on such accounts shall be prorated among each such estate contributing to such common bank account and shall not become the personal property of such fiduciary.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.219

720.220 State or county public administrator; continuation after discovery of heir; expenses; receipts turned over to state treasurer.

Sec. 20.

Whenever the state public administrator or a county public administrator shall be appointed fiduciary of any estate under the provisions of this act, and it shall subsequently appear or be discovered that the deceased left surviving a husband, wife, or next of kin entitled to a distributive share in such estate, and such heir or next of kin shall, under the provisions of the general probate laws of this state, be competent and willing to administer such estate, the state public administrator or such county public administrator shall nevertheless continue as fiduciary of such estate. When such fiduciary shall be the state public administrator, the judge of probate, before making the order assigning the residue in any such estate and wherein the residue is not assigned to the state of Michigan as an escheated estate, shall first allow and order paid to the said state public administrator out of the corpus of said estate, all of the expenses incurred by such fiduciary in administering said estate, together with such other fees, compensation and allowances as are authorized by the general probate laws of this state and by order of such probate judge to be paid to such fiduciary out of such estate. All monies so paid to the state public administrator shall be forthwith delivered by him to the state treasurer, who in turn, shall place such money to the credit of the general fund of the state.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.220

720.221 State or county public administrator; access to property, papers and records.

Sec. 21.

The state public administrator, or any person specifically designated by him to act in his behalf, shall at all times have access to and the right to inspect any and all property, books, papers and records, in the possession or under the control of any county public administrator or former county public administrator, pertaining to any and all estates on which letters of administration have been issued to said present or former county public administrator by virtue of the provisions of this act, and may require of any such present or former county public administrator a certified or exemplified copy of any petition, inventory, account, order or pleading, original of which has been filed in the probate court in any estate wherein said

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present or former county public administrator is or was acting as fiduciary, under the provisions of this act.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.221

720.222 Retroactive construction of act.

Sec. 22.

This act, in all of its provisions, is intended to be retroactive, and it shall be construed as applying retrospectively to all persons, property and estates coming within its purview.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.222

720.223 Repeal; saving clause.

Sec. 23.

Act No. 15 of the Public Acts of 1923, being sections 15611 to 15623, inclusive, of the Compiled Laws of 1929, is hereby repealed, except that all appointments made thereunder and all letters of administration issued to the state public administrator or to any county public administrator by virtue of said act, shall remain valid and such state public administrator or such county public administrator heretofore appointed as fiduciary of any such estate under the provisions of that act or pursuant to the general probate laws of this state, shall be subject to the provisions of this act. Nothing in this act shall be construed to repeal the provisions of Act. No. 288 of the Public Acts of 1939, and amendments thereto, and any parts of this act inconsistent therewith shall be deemed to modify that act only to that extent.

History: 1947, Act 194, Imd. Eff. June 12, 1947 ;-- CL 1948, 720.223

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