

# **SMALL ESTATE** **ASSIGNMENT OF PROPERTY**

**PLEASE NOTE THAT THE COURT IS NOT ALLOWED TO GIVE LEGAL  
ADVICE OR HELP YOU FILL OUT THESE FORMS  
IF YOU NEED ASSISTANCE, PLEASE CONSULT AN ATTORNEY.**

## **DOCUMENTS AND FEES REQUIRED TO FILE A SMALL ESTATE**

- [Petition and Order for Assignment \(PC 556\)](#)
- A copy of the Death Certificate
- A copy of the paid funeral/burial expenses receipt
- The original Last Will and Testament and any Codicils (if applicable)
- \$25.00** filing fee according to the [Probate Court Fee Schedule](#)
- \$12.00 certified copy fee according to the [Probate Court Fee Schedule](#)
- An **inventory fee** based on the value of the estate. (You may contact the court for the amount of this fee once you have determined to total value of the assets to be assigned).

Michigan Law MCL 700.3982 allows a small estate to be probated using an expedited process. The court files any wills and/or codicils but does not admit them to probate. A personal representative is not appointed and a court order is issued assigning assets.

The decedent must have been a Mecosta County resident or was not a Michigan resident but left property in Mecosta County.

The total value of the estate, subtracting any funeral and burial expense which are either unpaid or were paid by someone other than the decedent after the decedent's death is \$15,000 or less. The \$15,000 amount is adjusted annually for inflation beginning January 1, 2001, and has increased to \$22,000 as of January 1, 2014.

- A) Funeral and burial expenses are those expenses directly connected with a funeral or memorial service and with the burial or cremation. A bill must account for funeral and burial expenses from the funeral home
- B) If someone paid some or all of the funeral or burial expenses for the decedent, there must be a receipt from the funeral home indicating who paid and the amount paid.

Since the Assignment of Property is an expedited procedure, the statute is very strict on how a decedent's estate may be assigned.

- A) The estate must be applied to pay any unpaid funeral or burial expenses to the funeral home. If the estate is less than or equal to the amount of the unpaid funeral and burial expenses, then all of the estate goes to the funeral home.
- B) If there are assets left over after full payment of the funeral home, then any individuals or entities (including DHS) paying towards the funeral and burial expenses are to be reimbursed. If the estate is less than the total amount paid by others, then the estate is to be pro-rated according to the percentage each individual or entity paid.

- C) If the funeral home and anyone paying funeral or burial expenses have been reimbursed and there are still assets remaining, the remainder is to be assigned to the surviving spouse. If there is no surviving spouse, then the remainder is to be assigned to the decedent's heirs. If the heirs happen to be children or other descendants of the decedent, then the assets will be assigned such that each child (whether alive or predeceased) represents an equal share.

An individual entitled to receive all or a portion of a decedent's estate through an assignment of property may not assign the property to someone else.

The assignment of property process may not be appropriate in cases where the bulk of the estate is made up of an automobile, household belongings, or real property and there are multiple individuals entitled to the property. If this is the case you may wish to speak to an attorney.

**EXCEPTION:** Effective for decedent's dying on or after **March 28, 2013 and before January 1, 2018**, if real property that is included in the small estate is encumbered by or used as security for an indebtedness, the amount of the indebtedness shall be deducted from the value of the real property. MCL 600.871. The deduction only relates to that particular real property. No parcel of real estate can have a value of less than zero, and there is no carryover to other estate assets.