

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 192**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 871 and 877 (MCL 600.871 and 600.877), section
871 as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 871. (1) In all decedents' estates in which proceedings
2 are instituted for probate, the probate court shall charge and
3 collect the following fees as an expense of administration on the
4 value of all assets, as of the date of death of the decedent, as
5 follows:

6 (a) In an estate of value of less than \$1,000.00, \$5.00 plus
7 1% of the amount over \$500.00.

8 (b) In an estate of value of \$1,000.00 or more, but less than
9 \$3,000.00, \$25.00.

1 (c) In an estate of value of \$3,000.00 or more but less than
2 \$10,000.00, \$25.00 plus $\frac{5}{8}$ of 1% of the amount over \$3,000.00.

3 (d) In an estate of value of \$10,000.00 or more but less than
4 \$25,000.00, \$68.75 plus $\frac{1}{2}$ of 1% of the amount over \$10,000.00.

5 (e) In an estate of value of \$25,000.00 but less than
6 \$50,000.00, \$143.75 plus $\frac{3}{8}$ of 1% of the amount over \$25,000.00.

7 (f) In an estate of value of \$50,000.00 but less than
8 \$100,000.00, \$237.50 plus $\frac{1}{4}$ of 1% of the amount over \$50,000.00.

9 (g) In an estate of value of \$100,000.00 to \$500,000.00,
10 \$362.50 plus $\frac{1}{8}$ of 1% of the amount over \$100,000.00.

11 (h) For each additional \$100,000.00 value, or larger fraction
12 thereof, over \$500,000.00, \$62.50.

13 (i) For each additional \$100,000.00 value, or larger fraction
14 thereof, over \$1,000,000.00, \$31.25.

15 (2) UNTIL DECEMBER 31, 2017, IN CALCULATING A FEE UNDER
16 SUBSECTION (1), IF REAL PROPERTY THAT IS INCLUDED IN THE ESTATE IS
17 ENCUMBERED BY OR USED AS SECURITY FOR AN INDEBTEDNESS, THE AMOUNT
18 OF THE INDEBTEDNESS SHALL BE DEDUCTED FROM THE VALUE OF THE REAL
19 PROPERTY.

20 (3) ~~(2)~~—The fees in subsection (1), rounded to the whole
21 dollar, ~~shall be~~ **ARE** due and payable to the probate court ~~before~~
22 ~~the filing of the final account~~ **ON OR BEFORE THE CLOSING OF THE**
23 **ESTATE** or within 1 year after the commencement of probate
24 proceedings, whichever occurs first. A final accounting shall not
25 be accepted by the probate court until the fees are paid in full
26 and shown as part of the final accounting. An official receipt
27 shall be issued to the payer when the fees are collected.

1 (4) BY MARCH 31, 2015 AND EACH MARCH 31 UNTIL MARCH 31 2018,
2 THE PROBATE COURT SHALL DO ALL OF THE FOLLOWING:

3 (A) CALCULATE THE VALUE OF ALL ASSETS IN EACH ESTATE IN THE
4 IMMEDIATELY PRECEDING CALENDAR YEAR.

5 (B) IF REAL PROPERTY THAT IS INCLUDED IN THE ESTATE IS
6 ENCUMBERED BY OR USED AS SECURITY FOR AN INDEBTEDNESS, SUBTRACT
7 FROM THE RESULT OF THE CALCULATION IN SUBDIVISION (A) THE TOTAL
8 AMOUNT OF THE INDEBTEDNESS.

9 (C) CALCULATE THE TOTAL AMOUNT OF ALL FEES COLLECTED UNDER
10 SUBSECTION (1) IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

11 (D) SUBMIT TO THE STATE COURT ADMINISTRATIVE OFFICE THE
12 RESULTS UNDER SUBDIVISIONS (A), (B), AND (C).

13 Sec. 877. All fees received by the probate court during each
14 month ~~pursuant to~~ UNDER sections 871 to 874 shall be paid on or
15 before the tenth day of the succeeding month as follows:

16 (a) ~~Two-fifths~~ UNTIL DECEMBER 31, 2017, 47.5% of each fee
17 shall be paid to the county treasurer and credited to the county
18 general fund. BEGINNING JANUARY 1, 2018, 40% OF EACH FEE SHALL BE
19 PAID TO THE COUNTY TREASURER AND CREDITED TO THE COUNTY GENERAL
20 FUND.

21 (b) ~~Three-fifths~~ UNTIL DECEMBER 31, 2017, 52.5% of each fee
22 shall be paid to the state treasurer and credited to the state
23 general fund. BEGINNING JANUARY 1, 2018, 60% OF EACH FEE SHALL BE
24 PAID TO THE STATE TREASURER AND CREDITED TO THE STATE GENERAL FUND.