

**SUBSTITUTE FOR  
HOUSE BILL NO. 5638**

A bill to amend 1998 PA 386, entitled  
"Estates and protected individuals code,"  
by amending section 2404 (MCL 700.2404), as amended by 2000 PA 177.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2404. (1) The decedent's surviving spouse is also  
2   entitled to household furniture, automobiles, furnishings,  
3   appliances, and personal effects from the estate up to a value not  
4   to exceed \$10,000.00 more than the amount of any security interests  
5   to which the property is subject. If there is no surviving spouse,  
6   the decedent's children **WHO ARE NOT EXCLUDED UNDER SUBSECTION (4)**  
7   are entitled jointly to the same value.

8       (2) If encumbered assets are selected and the value in excess  
9   of security interests, plus that of other exempt property, is less

than \$10,000.00, or if there is not \$10,000.00 worth of exempt property in the estate, the spouse or children **WHO ARE NOT EXCLUDED UNDER SUBSECTION (4)** are entitled to other assets of the estate, if any, to the extent necessary to make up the \$10,000.00 value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, except that the right to assets to make up a deficiency of exempt property abates as necessary to permit payment of all of the following in the following order:

(a) Administration costs and expenses.

(b) Reasonable funeral and burial expenses.

(c) Homestead allowance.

(d) Family allowance.

(3) The rights under this section are in addition to a benefit or share passing to the surviving spouse or children by the decedent's will, unless otherwise provided, by intestate succession, or by elective share. The \$10,000.00 amount ~~expressed~~ **DESCRIBED** in this section ~~shall~~ **MUST** be adjusted as provided in section 1210.

**(4) THE DECEDENT MAY EXCLUDE A CHILD WHO IS NOT A MINOR OR DEPENDENT FROM RECEIVING EXEMPT PROPERTY OR OTHER ASSETS UNDER THIS SECTION BY EITHER OF THE FOLLOWING MEANS:**

**(A) THE DECEDENT BY WILL EXPRESSLY STATES THAT THE CHILD TAKES NOTHING OR AN AMOUNT OF \$10.00 OR LESS FROM THE ESTATE.**

**(B) THE DECEDENT BY WILL EXPRESSLY STATES THAT THE CHILD IS NOT TO RECEIVE AN ALLOWANCE UNDER THIS SECTION.**

Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.