

**SUBSTITUTE FOR  
HOUSE BILL NO. 4410**

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  
10 than \$10,000.00, or if there is not \$10,000.00 worth of exempt

1 property in the estate, the spouse or children **WHO ARE NOT EXCLUDED**  
2 **UNDER SUBSECTION (4)** are entitled to other assets of the estate, if  
3 any, to the extent necessary to make up the \$10,000.00 value.

4 Rights to exempt property and assets needed to make up a deficiency  
5 of exempt property have priority over all claims against the  
6 estate, except that the right to assets to make up a deficiency of  
7 exempt property abates as necessary to permit payment of all of the  
8 following in the following order:

9 (a) Administration costs and expenses.

10 (b) Reasonable funeral and burial expenses.

11 (c) Homestead allowance.

12 (d) Family allowance.

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

19 **(4) THE DECEDENT MAY EXCLUDE 1 OR MORE OF THE DECEDENT'S**  
20 **CHILDREN FROM RECEIVING EXEMPT PROPERTY OR ASSETS TO MAKE UP A**  
21 **DEFICIENCY OF EXEMPT PROPERTY UNDER SUBSECTION (1) BY EITHER OF THE**  
22 **FOLLOWING MEANS:**

23 **(A) THE DECEDENT BY WILL EXPRESSLY STATES EITHER OF THE**  
24 **FOLLOWING:**

25 **(i) THE CHILD TAKES NOTHING.**

26 **(ii) THE CHILD TAKES AN AMOUNT OF \$10.00 OR LESS FROM THE**  
27 **ESTATE.**

1           **(B) THE DECEDENT BY WILL EXPRESSLY STATES THAT THE CHILD IS**  
2 **NOT TO RECEIVE EXEMPT PROPERTY UNDER THIS SECTION.**

3           Enacting section 1. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.