

Act No. 371  
Public Acts of 1994  
Approved by the Governor  
December 26, 1994  
Filed with the Secretary of State  
December 27, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Rep Bullard

# **ENROLLED HOUSE BILL No. 5929**

AN ACT to amend section 609 of Act No 642 of the Public Acts of 1978 entitled as amended An act to revise and consolidate the laws relative to the probate of decedents estates guardianships conservatorships protective proceedings trusts and powers of attorney to prescribe penalties and liabilities and to repeal certain acts and parts of acts being section 700 609 of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Section 609 of Act No 642 of the Public Acts of 1978 being section 700 609 of the Michigan Compiled Laws is amended to read as follows

Sec 609 (1) In estates of decedents dying before October 1 1993 1 of the following applies

(a) The safe deposit box of which a decedent was an individual or joint lessee may be opened following his or her death only upon compliance with the Michigan estate tax act Act No 188 of the Public Acts of 1899 as amended being sections 205 201 to 205 256 of the Michigan Compiled Laws

(b) The safe deposit box of a person who is an individual or joint lessee and for whom a fiduciary was appointed may be opened by that fiduciary in a like manner as provided by Act No 188 of the Public Acts of 1899 as amended as it relates to deceased persons and the fiduciary shall pay to the county treasurer the fees and mileage as provided in that act

(2) In estates of decedents dying after September 30 1993 1 of the following applies

(a) If it appears to the court by petition of an interested party that a safe and collateral deposit company trust company corporation bank or other institution has leased to a decedent either as an individual or joint lessee a safe deposit box in the county in which the probate court has jurisdiction and that the safe deposit box may contain a will of the decedent or a deed to a burial plot in which the decedent is to be interred the court may make an order directing that institution to permit the person named in the order to examine the safe deposit box in the presence of an officer or other authorized employee of that institution If a paper purporting to be a will of the decedent or a deed to a burial plot is found in the box the person named in the order shall deliver the will or deed to the probate register or his or her deputy The probate register or his or her deputy shall furnish a receipt to the institution Items contained in the safe deposit box other than the will or deed shall not be removed from the safe deposit box At the time of the opening of the safe deposit box all persons in attendance shall execute a written statement certifying whether any will or deed to a burial plot was found and that no other items were removed from the safe deposit box That written statement shall be delivered by the person named in the order within 7 days to the probate register or his or her deputy Before the court shall enter the order the interested party shall pay to the probate register a fee of \$10 00 which shall be credited to the general fund of the county If the decedent's estate is administered in any probate court in this state the

interested party making payment of that fee may file a claim in the estate for that amount which shall be charged as a cost of administration

(b) The safe deposit box of a person who is an individual or joint lessee and for whom a fiduciary was appointed under this act may be opened by that fiduciary and its contents removed. If the safe deposit box is jointly leased then the fiduciary shall examine the safe deposit box in the presence of an officer or other authorized employee of the safe deposit and collateral company, trust company, corporation, bank, or other institution. At the time of the opening of a joint safe deposit box, all persons in attendance shall execute a written statement certifying as to what was removed from the safe deposit box by the fiduciary. The fiduciary shall serve a copy of that written statement on the other joint lessee by personal service or by registered, certified, or ordinary first class mail within 7 days of removing the items.

(3) Notwithstanding any other provision of this section, a surviving joint lessee of a joint safe deposit box shall have full access to the safe deposit box.

This act is ordered to take immediate effect.

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor