



HOUSE BILL No. 5929

November 10 1994 Introduced by Rep Bullard and referred to the Committee on Taxation

A bill to amend section 609 of Act No 642 of the Public Acts of 1978, entitled as amended

'Revised probate code '

being section 700 609 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT -

1 Section 1 Section 609 of Act No 642 of the Public Acts of
2 1978, being section 700 609 of the Michigan Compiled Laws, is
3 amended to read as follows

4 Sec 609 (1) IN ESTATES OF DECEDENTS DYING BEFORE OCTOBER
5 1 1993 1 OF THE FOLLOWING APPLIES

6 (A) The safe deposit box of which a decedent was an individ-
7 ual or joint lessee — may be opened following his OR HER death
8 only upon compliance with THE MICHIGAN ESTATE TAX ACT, Act
9 No 188 of the Public Acts of 1899, as amended, being sections
10 205 201 to ~~205 221~~ 205 256 of the Michigan Compiled Laws

1 (B) ~~-(2)-~~ The safe deposit box of a person who is an
2 individual or joint lessee and for whom a fiduciary was appointed
3 may be opened by that fiduciary in a like manner as provided by
4 Act No 188 of the Public Acts of 1899 as amended, as it
5 relates to deceased persons and the fiduciary shall pay to the
6 county treasurer the fees and mileage as provided in that act

7 (2) IN ESTATES OF DECEDENTS DYING AFTER SEPTEMBER 30 1993
8 1 OF THE FOLLOWING APPLIES

9 (A) IF IT APPEARS TO THE COURT BY PETITION OF AN INTERESTED
10 PARTY THAT A SAFE AND COLLATERAL DEPOSIT COMPANY TRUST COMPANY
11 CORPORATION, BANK OR OTHER INSTITUTION HAS LEASED TO A DECEDENT,
12 EITHER AS AN INDIVIDUAL OR JOINT LESSEE, A SAFE DEPOSIT BOX IN
13 THE COUNTY IN WHICH THE PROBATE COURT HAS JURISDICTION AND THAT
14 THE SAFE DEPOSIT BOX MAY CONTAIN A WILL OF THE DECEDENT OR A DEED
15 TO A BURIAL PLOT IN WHICH THE DECEDENT IS TO BE INTERRED, THE
16 COURT MAY MAKE AN ORDER DIRECTING THAT INSTITUTION TO PERMIT THE
17 PERSON NAMED IN THE ORDER TO EXAMINE THE SAFE DEPOSIT BOX IN THE
18 PRESENCE OF AN OFFICER OR OTHER AUTHORIZED EMPLOYEE OF THAT
19 INSTITUTION AND IF A PAPER PURPORTING TO BE A WILL OF THE DECE-
20 DENT OR A DEED TO A BURIAL PLOT IS FOUND IN THE BOX, TO DELIVER
21 THE WILL OR DEED TO THE PROBATE REGISTER OR HIS OR HER DEPUTY
22 THE PROBATE REGISTER OR HIS OR HER DEPUTY SHALL FURNISH A RECEIPT
23 TO THE INSTITUTION ITEMS CONTAINED IN THE SAFE DEPOSIT BOX
24 OTHER THAN THE WILL OR DEED SHALL NOT BE REMOVED FROM THE SAFE
25 DEPOSIT BOX AT THE TIME OF THE OPENING OF THE SAFE DEPOSIT BOX,
26 ALL PERSONS IN ATTENDANCE SHALL EXECUTE A WRITTEN STATEMENT
27 CERTIFYING WHETHER ANY WILL OR DEED TO A BURIAL PLOT WAS FOUND

1 AND THAT NO OTHER ITEMS WERE REMOVED FROM THE SAFE DEPOSIT BOX
2 THAT WRITTEN STATEMENT SHALL BE DELIVERED WITHIN 7 DAYS TO THE
3 PROBATE REGISTER OR HIS OR HER DEPUTY BEFORE THE COURT SHALL
4 ENTER THE ORDER, THE INTERESTED PARTY SHALL PAY TO THE PROBATE
5 REGISTER A FEE OF \$10 00, WHICH SHALL BE CREDITED TO THE GENERAL
6 FUND OF THE COUNTY IF THE DECEDENT S ESTATE IS ADMINISTERED IN
7 ANY PROBATE COURT IN THIS STATE, THE INTERESTED PARTY MAKING PAY-
8 MENT OF THAT FEE MAY FILE A CLAIM IN THE ESTATE FOR THAT AMOUNT
9 WHICH SHALL BE CHARGED AS A COST OF ADMINISTRATION

10 (B) THE SAFE DEPOSIT BOX OF A PERSON WHO IS AN INDIVIDUAL OR
11 JOINT LESSEE AND FOR WHOM A FIDUCIARY WAS APPOINTED UNDER THIS
12 ACT MAY BE OPENED BY THAT FIDUCIARY AND ITS CONTENTS REMOVED IF
13 THE SAFE DEPOSIT BOX IS JOINTLY LEASED THEN THE FIDUCIARY MAY
14 EXAMINE THE SAFE DEPOSIT BOX IN THE PRESENCE OF AN OFFICER OR
15 OTHER AUTHORIZED EMPLOYEE OF THE SAFE DEPOSIT AND COLLATERAL COM-
16 PANY, TRUST COMPANY, CORPORATION, BANK, OR OTHER INSTITUTION AT
17 THE TIME OF THE OPENING OF THE SAFE DEPOSIT BOX, ALL PERSONS IN
18 ATTENDANCE SHALL EXECUTE A WRITTEN STATEMENT CERTIFYING AS TO
19 WHAT WAS REMOVED FROM THE SAFE DEPOSIT BOX BY THE FIDUCIARY THE
20 FIDUCIARY SHALL SERVE A COPY OF THAT WRITTEN STATEMENT ON THE
21 OTHER JOINT LESSEES WITHIN 7 DAYS OF REMOVING THE ITEMS IN THE
22 SAME MANNER AS PROVIDED BY THE COURT RULES FOR SERVING NOTICE OF
23 AN ACCOUNT ON AN INTERESTED PARTY