



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 1051 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

CONTENT

The bill would amend provisions of the Estates and Protected Individuals Code (EPIC) that pertain to estates and trusts. Among other things, the bill would do the following:

- Revise the information that a trustee must give to beneficiaries in a statement of account.
- Provide that a beneficiary's claim for breach of trust would be barred one year after he or she was sent a report disclosing the existence of a potential claim, rather than an annual or final account; and provide for a five-year statute of limitations in other cases.
- Require the repayment of improper distributions from a trust.
- Require the payment of interest on money that a fiduciary deposited with a county treasurer, when the money was paid to a claimant.
- Provide that, if a child were born out of wedlock, a man would be considered to be the child's natural father for purposes of intestate succession (inheritance without a will) if the man married the child's mother after the child was born.
- Exclude the value of property in trust for the benefit of a child of a decedent, from the intestate share of a surviving spouse who married the decedent after he or she made a will.
- Revise provisions for the disclaimer of a property interest.
- Expand the authority of a personal representative to make certain decisions regarding taxation.
- Allow the probate court to apportion taxes and credits in the manner it found equitable, if the court found that it would be inequitable to apportion them as provided in the Code.

MCL 700.1105 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

To the extent that it would affect the number of disputes over wills and trusts, the bill would have an indeterminate fiscal impact on the judiciary.

Date Completed: 4-20-04

Fiscal Analyst: Bethany Wicksall