

SENATE BILL No. 192

February 22, 2011, Introduced by Senators CASWELL, MARLEAU, EMMONS, GREEN and PROOS
and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 871. (1) In all decedents' estates in which proceedings
2 are instituted for probate, the probate court shall charge and
3 collect the following fees as an expense of administration on the
4 value of all assets, as of the date of death of the decedent, as
5 follows:

6 (a) In an estate of value of less than \$1,000.00, \$5.00 plus
7 1% of the amount over \$500.00.

8 (b) In an estate of value of \$1,000.00 or more, but less than
9 \$3,000.00, \$25.00.

10 (c) In an estate of value of \$3,000.00 or more but less than

1 \$10,000.00, \$25.00 plus $\frac{5}{8}$ of 1% of the amount over \$3,000.00.

2 (d) In an estate of value of \$10,000.00 or more but less than
3 \$25,000.00, \$68.75 plus $\frac{1}{2}$ of 1% of the amount over \$10,000.00.

4 (e) In an estate of value of \$25,000.00 but less than
5 \$50,000.00, \$143.75 plus $\frac{3}{8}$ of 1% of the amount over \$25,000.00.

6 (f) In an estate of value of \$50,000.00 but less than
7 \$100,000.00, \$237.50 plus $\frac{1}{4}$ of 1% of the amount over \$50,000.00.

8 (g) In an estate of value of \$100,000.00 to \$500,000.00,
9 \$362.50 plus $\frac{1}{8}$ of 1% of the amount over \$100,000.00.

10 (h) For each additional \$100,000.00 value, or larger fraction
11 thereof, over \$500,000.00, \$62.50.

12 (i) For each additional \$100,000.00 value, or larger fraction
13 thereof, over \$1,000,000.00, \$31.25.

14 (2) IN CALCULATING A FEE UNDER SUBSECTION (1), IF REAL
15 PROPERTY THAT IS INCLUDED IN THE ESTATE IS ENCUMBERED BY OR USED AS
16 SECURITY FOR AN INDEBTEDNESS, THE AMOUNT OF THE INDEBTEDNESS SHALL
17 BE DEDUCTED FROM THE VALUE OF THE REAL PROPERTY.

18 (3) ~~(2)~~—The fees in subsection (1), rounded to the whole
19 dollar, ~~shall be~~ **ARE** due and payable to the probate court before
20 the filing of the final account or within 1 year after the
21 commencement of probate proceedings, whichever occurs first. A
22 final accounting shall not be accepted by the probate court until
23 the fees are paid in full and shown as part of the final
24 accounting. An official receipt shall be issued to the payer when
25 the fees are collected.