

HOUSE BILL No. 5704

May 26, 2016, Introduced by Rep. Hughes and referred to the Committee on Judiciary.

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 are entitled jointly to the same value
7 **UNLESS THE DECEDENT DISINHERITS 1 OR MORE CHILDREN IN HIS OR HER**
8 **WILL, IN WHICH CASE ONLY THOSE CHILDREN NOT DISINHERITED ARE**
9 **ENTITLED. AS USED IN THIS SUBSECTION, "DISINHERIT" MEANS A DECEDENT**
10 **BY WILL EXPRESSLY STATING THAT A CHILD TAKES NOTHING OR AN AMOUNT**
11 **LESS THAN \$10.00 FROM THE ESTATE.**

1 (2) If encumbered assets are selected and the value in excess
2 of security interests, plus that of other exempt property, is less
3 than \$10,000.00, or if there is not \$10,000.00 worth of exempt
4 property in the estate, the spouse or children are entitled to
5 other assets of the estate, if any, to the extent necessary to make
6 up the \$10,000.00 value. Rights to exempt property and assets
7 needed to make up a deficiency of exempt property have priority
8 over all claims against the estate, except that the right to assets
9 to make up a deficiency of exempt property abates as necessary to
10 permit payment of all of the following in the following order:

11 (a) Administration costs and expenses.

12 (b) Reasonable funeral and burial expenses.

13 (c) Homestead allowance.

14 (d) Family allowance.

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

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