SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4752

A bill to amend 1961 PA 236, entitled

"Revised judicature act of 1961,"

by amending sections 871 and 877 (MCL 600.871 and 600.877), as amended by 2012 PA 596.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

(c) In an estate of value of $3,000.00 or more but less than $10,000.00, $25.00 plus 5/8 of 1% of the amount over $3,000.00.

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

(e) In an estate of value of $25,000.00 but less than $50,000.00, $143.75 plus 3/8 of 1% of the amount over $25,000.00.

(f) In an estate of value of $50,000.00 but less than $100,000.00, $237.50 plus 1/4 of 1% of the amount over $50,000.00.

(g) In an estate of value of $100,000.00 to $500,000.00, $362.50 plus 1/8 of 1% of the amount over $100,000.00.

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

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

(2) ~~Until December 31, 2017, in~~ **BEGINNING MARCH 28, 2013, IN** calculating a fee under subsection (1), if real property that is included in the estate is encumbered by or used as security for an indebtedness, the amount of the indebtedness ~~shall~~ **MUST** be deducted from the value of the real property.

(3) The fees in subsection (1), rounded to the whole dollar, are due and payable to the probate court on or before the closing of the estate or within 1 year after the commencement of probate proceedings, whichever occurs first. ~~A~~ **THE PROBATE COURT SHALL NOT ACCEPT A** final accounting ~~shall not be accepted by the probate court~~ until the fees are paid in full and shown as part of the final accounting. An official receipt ~~shall~~ **MUST** be issued to the payer when the fees are collected.

~~(4) By March 31, 2015 and each March 31 until March 31, 2018, the probate court shall do all of the following:~~

~~(a) Calculate the value of all assets in each estate in the immediately preceding calendar year.~~

~~(b) If real property that is included in the estate is encumbered by or used as security for an indebtedness, subtract from the result of the calculation in subdivision (a) the total amount of the indebtedness.~~

~~(c) Calculate the total amount of all fees collected under subsection (1) in the immediately preceding calendar year.~~

~~(d) Submit to the state court administrative office the results under subdivisions (a), (b), and (c).~~

Sec. 877. All fees received by the probate court during each month under sections 871 to 874 ~~shall~~ **MUST** be paid on or before the tenth day of the succeeding month as follows:

(a) ~~Until December 31, 2017,~~ **BEGINNING MARCH 28, 2013,** 47.5% of each fee ~~shall~~ **MUST** be paid to the county treasurer and credited to the county general fund. ~~Beginning January 1, 2018, 40% of each fee shall be paid to the county treasurer and credited to the county general fund.~~

(b) ~~Until December 31, 2017,~~ **BEGINNING MARCH 28, 2013,** 52.5% of each fee ~~shall~~ **MUST** be paid to the state treasurer and credited to the state general fund. ~~Beginning January 1, 2018, 60% of each fee shall be paid to the state treasurer and credited to the state general fund.~~