

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)

Act 386 of 1998

ARTICLE IV

FOREIGN PERSONAL REPRESENTATIVES AND ANCILLARY ADMINISTRATION

PART 1

DEFINITIONS

700.4101 Definitions.

Sec. 4101. As used in this article:

(a) "Local administration" means administration by a personal representative appointed in this state under an appointment proceeding described in article III.

(b) "Local personal representative" includes a personal representative appointed in this state under an appointment proceeding described in article III and excludes a foreign personal representative who acquires the power of a local personal representative under section 4203.

(c) "Resident creditor" means a person domiciled or doing business in this state that is, or could be, a claimant against a nonresident decedent's estate.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

PART 2

POWERS OF FOREIGN PERSONAL REPRESENTATIVES

700.4201 Payment of debt and delivery of property to domiciliary foreign personal representative without local administration.

Sec. 4201. At any time after the expiration of 63 days after a nonresident decedent's death, a person indebted to the nonresident decedent, or having possession or control of personal property or of an instrument evidencing a debt, obligation, stock, or chose in action belonging to the nonresident decedent, may pay the debt or deliver the personal property or the instrument to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of the domiciliary personal representative's appointment and a sworn statement made by or on behalf of the representative stating all of the following:

(a) The date of the nonresident decedent's death.

(b) That local administration, or an application or petition for local administration, is not pending in this state.

(c) That the domiciliary foreign personal representative is entitled to payment or delivery.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4202 Payment discharges; effect of resident creditor notice.

Sec. 4202. (1) Payment or delivery made in good faith on the basis of proof of authority and a sworn statement as provided in section 4201 releases the debtor or person having possession of the personal property to the same extent as if payment or delivery is made to a local personal representative.

(2) Payment or delivery under section 4201 shall not be made if a resident creditor of the nonresident decedent notifies the debtor of the nonresident decedent or the person having possession of the personal property belonging to the nonresident decedent that the debt should not be paid nor the property delivered to the domiciliary foreign personal representative.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4203 Proof of authority; bond.

Sec. 4203. (1) If local administration, or an application or petition for local administration, is not pending in this state, a domiciliary foreign personal representative may file with a court in this state, in a county in which property belonging to the decedent is located, authenticated copies of the representative's appointment and of any official bond the representative has given.

(2) As to property in this state, a domiciliary foreign personal representative who complies with this section may exercise the power of a local personal representative, including, but not limited to, the execution and delivery of a deed under and in satisfaction of a land contract for the purchase of real property located in this state, a discharge of a mortgage, or a discharge of a security interest or financing statement or both, and

may maintain an action or proceeding in this state subject to any conditions imposed upon nonresident parties generally.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4204 Power of representatives in transition.

Sec. 4204. (1) A domiciliary foreign personal representative's power under sections 4201 and 4203 shall be exercised only if estate administration or an application for administration is not pending in this state. An application or petition for local administration of the estate terminates the power of the foreign personal representative to act under section 4203, but the local court may allow the foreign personal representative to exercise limited powers to preserve the estate.

(2) A person who, before receiving actual notice of a pending local administration, changes his or her position in reliance upon a foreign personal representative's power shall not be prejudiced by reason of the application or petition for, or grant of, local administration. The local personal representative is subject to all duties and obligations that have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for the foreign personal representative in an action or proceeding in this state.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4205 Ancillary and other local administrations; provisions governing.

Sec. 4205. In respect to a nonresident decedent, article III governs all of the following:

(a) A proceeding in a court of this state for probate of the will, for appointment, removal, supervision, and discharge of the local personal representative, and for another order concerning the estate.

(b) The status, powers, duties, and liabilities of a local personal representative and a right of a claimant, purchaser, distributee, and another in regard to a local administration.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

PART 3

JURISDICTION OVER FOREIGN REPRESENTATIVES

700.4301 Jurisdiction by act of foreign personal representative.

Sec. 4301. (1) A foreign personal representative submits personally to the jurisdiction of the courts of this state in a proceeding relating to the estate by doing any of the following:

(a) Filing an authenticated copy of appointment as provided in section 4203.

(b) Receiving payment of money or taking delivery of personal property under section 4201.

(c) Doing an act as a personal representative in this state that would give the state jurisdiction over an individual.

(2) Jurisdiction under subsection (1)(b) is limited to the money or value of personal property collected.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4302 Jurisdiction by act of decedent.

Sec. 4302. In addition to jurisdiction conferred by section 4301, a foreign personal representative is subject to the jurisdiction of the courts of this state to the same extent that the representative's decedent was subject to that jurisdiction immediately before death.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

700.4303 Service on foreign personal representative.

Sec. 4303. (1) Service of process may be made upon the foreign personal representative by registered or certified mail, addressed to the representative's last reasonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first-class mail is sufficient if registered or certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of this state on either the foreign personal representative or the representative's decedent immediately before death.

(2) If service is made upon a foreign personal representative as provided in subsection (1), the

representative is allowed not less than 28 days within which to appear or respond.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC

PART 4

JUDGMENTS AND PERSONAL REPRESENTATIVE

700.4401 Effect of adjudication for or against personal representative.

Sec. 4401. An adjudication rendered in any jurisdiction in favor of or against a personal representative of the estate is as binding on the local personal representative as if the local personal representative were a party to the adjudication.

History: 1998, Act 386, Eff. Apr. 1, 2000.

Popular name: EPIC