

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

700.3204 Representation by conservator or guardian; appointment without priority; applicability of section and MCL 700.3203 to a general or successor personal representative.

Sec. 3204. (1) A conservator of a protected individual's estate or, if there is no conservator, a guardian of a minor or legally incapacitated individual may exercise the same right to nominate, to object to another's appointment, or to participate in determining the preference of a majority in interest of the devisees and heirs that the protected individual or ward would have if qualified for appointment.

(2) Except as provided in sections 3308(1)(f) and 3310, a person who does not have priority prescribed in section 3203(1)(a) to (f), including priority resulting from renunciation or nomination determined under this section or section 3203, shall be appointed only in a formal proceeding. The state or county public administrator must be appointed only in a formal proceeding. Before appointing the state or county public administrator or any other person without priority, the court shall determine that persons having priority have been notified of the proceedings and have failed to request appointment or to nominate another person for appointment, and that administration is necessary.

(3) A person is not qualified to serve as a personal representative if the person is either under the age of 18 or is a person whom the court finds unsuitable in formal proceedings.

(4) A personal representative appointed by a court of the decedent's domicile has priority over all other persons except if the decedent's will nominates different persons to be personal representatives in this state and in the state of domicile. The domiciliary personal representative may nominate another person, who then has the same priority as the domiciliary personal representative.

(5) This section and section 3203 govern priority for appointment of a general personal representative or successor personal representative, but do not apply to the selection of a special personal representative.

History: 1998, Act 386, Eff. Apr. 1, 2000;—Am. 2000, Act 54, Eff. Apr. 1, 2000;—Am. 2018, Act 13, Eff. May 7, 2018;—Am. 2020, Act 59, Imd. Eff. Mar. 10, 2020.

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