

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

PART 1
GENERAL PROVISIONS

700.3101 Devolution of estate at death; restrictions.

Sec. 3101. An individual's power to leave property by will, and the rights of creditors, devisees, and heirs to his or her property, are subject to the restrictions and limitations contained in this act to facilitate the prompt settlement of estates. Upon an individual's death, the decedent's property devolves to the persons to whom the property is devised by the decedent's last will or to those indicated as substitutes for them in cases involving lapse, disclaimer, or other circumstances affecting devolution of a testate estate, or in the absence of testamentary disposition, to the decedent's heirs or to those indicated as substitutes for them in cases involving disclaimer or other circumstances affecting devolution of an intestate estate, subject to homestead allowance, family allowance, and exempt property, to rights of creditors, to the surviving spouse's elective share, and to administration.

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

Popular name: EPIC

700.3102 Validity of will by order of probate.

Sec. 3102. Except to collect assets under section 3983, to be effective to prove the transfer of property or to nominate a personal representative, a will must be declared valid by a register's order of informal probate or by a court's adjudication of probate.

History: 1998, Act 386, Eff. Apr. 1, 1998;—Am. 2000, Act 54, Eff. Apr. 1, 2000.

Popular name: EPIC

700.3103 Necessity of appointment for administration.

Sec. 3103. Except as otherwise provided in article IV, to acquire the powers and undertake the duties and liabilities of a decedent's personal representative, a person must be appointed by the register or by court order, must qualify, and must be issued letters. The issuance of letters commences an estate's administration.

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

Popular name: EPIC

700.3104 Claim against decedent; necessity of administration.

Sec. 3104. (1) Except as otherwise provided in subsection (2), a proceeding to enforce a claim against a decedent's estate or the decedent's successors shall not be revived or commenced before the appointment of a personal representative. After the appointment and until distribution, a proceeding or action to enforce a claim against the estate is governed by the procedure prescribed by this article. After distribution, a creditor whose claim has not been barred may recover from the distributees as provided in section 3955 or from a former personal representative individually liable as provided in section 3956.

(2) This act does not apply to a proceeding by a secured creditor of the decedent to enforce the creditor's right to the creditor's security except as provided in part 8 of article III and part 6 of article VII.

History: 1998, Act 386, Eff. Apr. 1, 2000;—Am. 2009, Act 46, Eff. Apr. 1, 2010.

Popular name: EPIC

700.3105 Proceedings affecting devolution and administration.

Sec. 3105. A person interested in a decedent's estate may apply to the register for a determination in the informal proceedings provided in this article and may petition the court for orders in formal proceedings within the court's jurisdiction.

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

Popular name: EPIC

700.3106 Proceedings within jurisdiction of court; service; jurisdiction over persons.

Sec. 3106. In a proceeding within the court's jurisdiction in which notice is required by this act or by court rule, and in a proceeding to construe a probated will or determine heirs that concerns an estate that has not been opened for administration, an interested person may be bound by court order with respect to property in, or subject to the laws of, this state by notice in conformity with section 1401. An order is binding on all who are given notice of the proceeding, even if fewer than all interested persons are notified.

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

Popular name: EPIC

700.3107 Proceedings; scope; independence.

Sec. 3107. (1) Unless a proceeding involves supervised administration as described in part 5 of this article, the following apply:

(a) Each proceeding before the court or register is independent of any other proceeding involving the same estate.

(b) A petition for a formal court order may combine various requests for relief in a single proceeding if the order sought may be a final order and may be granted without delay.

(2) Except as required in this article for another proceeding, the following apply:

(a) A petition is not defective because it fails to embrace all matters that might then be the subject of a final order.

(b) A proceeding for probate of a will or an adjudication of no will may be combined with a proceeding for appointment of a personal representative.

(c) A proceeding for appointment of a personal representative is concluded by an order making or declining the appointment.

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

Popular name: EPIC

700.3108 Repealed. 2000, Act 54, Eff. Apr. 1, 2000.

Compiler's note: The repealed section pertained to statutes of limitation on decedent's cause of action.

Popular name: EPIC