

ESTATE FILING HELPER LLC

Practical guidance for families navigating estate matters

MICHIGAN ESTATE FILING KIT

Estate Type Decision Tree

Includes:

- ✓ Six-Question Decision Tree
- ✓ Quick “Which Path?” Reference Table
- ✓ Plain-Language Summary of Each Path
- ✓ Where to File & When to Call an Attorney

IMPORTANT NOTICE

This kit is provided for general informational and educational purposes only. It does NOT constitute legal advice and does NOT create an attorney-client relationship between you and Estate Filing Helper, LLC or any of its representatives. Estate law is complex and every situation is unique.

Probate practice varies by county. If the estate involves disputes, significant assets, business interests, out-of-state property, insolvency, missing heirs, a contested will, or if you are uncertain about any step, consult a licensed Michigan attorney before proceeding. *Laws, forms, fees, and statutory dollar amounts change and are tied to the decedent's year of death. Always verify current SCAO forms, local filing procedures, fees, and statutory amounts with your local probate court before filing.*

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Estate Type Decision Tree

Answer the questions below in order. **Stop at the first result that fits your situation.** If the estate involves a dispute, missing or unknown heirs, a contested will, real estate with title problems, insolvency, a business interest, or a fiduciary problem, treat this tree as a checklist only and consult an attorney before filing.

QUESTION 1 — Is anything in the estate subject to probate?

Did the deceased die owning ANY asset in their name alone — not jointly owned with survivorship, not in a trust, and without a named (living) beneficiary?

Assets that are jointly owned with survivorship, held in a trust, or that name a living beneficiary (POD/TOD accounts, life insurance, most retirement accounts) generally pass OUTSIDE probate. Confirm titling and beneficiary designations in writing before concluding nothing needs to be filed.

► **YES — there is at least one solely-owned asset** → Go to Question 2.

► **NO — every asset passes outside probate** → Probate may not be required. See Path A. A personal representative may still be needed to pursue a claim or lawsuit.

QUESTION 2 — Is this a small estate (personal property only)?

Have at least 28 days passed since the death, is there NO real property, is the entire estate (net of liens) at or under the small-estate cap (\$53,000 for 2026), and has no personal representative been appointed anywhere?

The cap is the value of the WHOLE estate, not just the asset you want to collect.

► **YES — all of the above are true** → Use the Small Estate Affidavit, PC 598. See Part 2A. You present it directly to the bank or asset holder — you do not open a court case.

► **NO / not sure** → Go to Question 3.

QUESTION 3 — Does a small-estate court order fit?

Are the funeral and burial expenses paid (or accounted for), and is the balance of the gross estate at or under the small-estate cap (\$53,000 for 2026) — even if there is real property, or you simply want a court order?

PC 556 can include real property when the statutory value requirements are met, and is useful when an institution will not accept a sworn affidavit alone.

► **YES — the estate is within the cap** → Use the Petition and Order for Assignment, PC 556. See Part 2B.

► **NO — the estate is larger than the cap** → Go to Question 4.

QUESTION 4 — Does the estate need a personal representative, but with no disputes?

Does someone need legal authority to act for the estate (a personal representative), and is the case uncontested — clear venue, clear heirs/devisees, an applicant with appointment priority, and no objection that a judge must decide?

Informal probate is handled by the probate register without a court hearing. A formal opening (Question 5) can still end in unsupervised administration.

► **YES — uncontested, just needs a PR** → Use the Application for Informal Probate and/or Appointment, PC 558. See Part 3.

► **NO — there is a dispute or a judge's order is needed** → Go to Question 5.

QUESTION 5 — Does the case need a judge (formal proceeding)?

Is there a dispute, a will contest, a question about heirs or appointment priority, missing or unknown interested persons, a need to adjudicate testacy, or a request for supervised administration?

A formal proceeding uses notice and a hearing before a judge. It can proceed unsupervised OR supervised.

► **YES, but no ongoing court supervision is needed** → Use the Petition for Probate and/or Appointment, PC 559 — formal but unsupervised. See Part 4.

► **YES, and the will requires it or the court should supervise** → Use PC 559 plus a request for supervised administration. See Part 5.

QUESTION 6 — After a PR is appointed, is the estate very small?

Once a personal representative is appointed and the inventory is done, does the estate (less liens) come out to no more than the allowed costs and allowances — administration expenses, funeral/burial, homestead allowance, family allowance, exempt property, and last-illness medical expenses?

This is a closing shortcut available in BOTH informal and formal estates. It is NOT a way to open an estate.

► **YES — allowances and costs exhaust the estate** → Use Summary Administrative Proceedings under MCL 700.3987; the PR distributes and closes with PC 590. See Part 6.

► **NO — the estate is larger** → Complete ordinary administration and close with the appropriate closing statement or court order.

Quick Reference: Which Path?

If...	Path	Lead form
Everything passes outside probate	No filing may be needed (Path A)	—
Personal property only, under the cap, 28+ days	Small-estate affidavit	PC 598
Within the cap; may include real property, or you want an order	Small-estate court assignment	PC 556
Need a PR; uncontested	Informal probate / unsupervised administration	PC 558
Need a judge; no ongoing supervision	Formal probate / unsupervised administration	PC 559
Will requires it, or court oversight is needed	Supervised administration	PC 559 + supervision request
After appointment, allowances exhaust the estate	Summary administrative proceedings	MCL 700.3987 → PC 590

Source authorities include MCL 700.2202–700.2205, 700.2401–700.2405, 700.3201–700.3311, 700.3501–700.3502, 700.3705, 700.3982–700.3984, 700.3987–700.3988, and 700.3954; and MCR 5.302–700.3311. A register may deny an informal application under MCL 700.3303–700.3305, 700.3309, or 700.3311; a denial is not an adjudication and does not prevent a formal petition.

What Each Result Means

Path A — No Probate Filing May Be Needed

Every asset passes outside probate (joint with survivorship, trust, POD/TOD, or a living beneficiary). Confirm titling in writing. A PR may still be needed to pursue a claim.

PC 598 — Small Estate Affidavit

Personal property only, entire estate within the cap, 28+ days since death, no PR appointed. A sworn affidavit presented directly to the bank or asset holder — not a court case. MCL 700.3983.

PC 556 — Small Estate Court Assignment

Estate within the cap; may include real property, or you want a court order. Filed with the probate court; distributes by order without appointing a PR. MCL 700.3982. Heirs can be liable for unsatisfied debts for 63 days.

PC 558 — Informal Probate / Unsupervised Administration

A PR is needed and the case is uncontested. Handled by the probate register without a hearing; administered without ongoing court approval. Closes by sworn statement (PC 591).

PC 559 — Formal Probate (Unsupervised)

A judge's order is needed (dispute, will contest, heirship/priority issue), but no ongoing supervision. Uses notice and a hearing; can still close by sworn statement.

PC 559 + Supervision — Supervised Administration

The will requires it, or the court should oversee administration. Continuous court oversight; closes by court order of complete estate settlement (PC 593 / PC 595), not PC 591.

MCL 700.3987 — Summary Administrative Proceedings (PC 590)

A closing shortcut used AFTER a PR is appointed, when the inventory shows allowances and costs exhaust the estate. The PR distributes (no creditor notice required) and closes with PC 590. Works in both informal and formal estates.

Where Do You File? Michigan Probate Courts

Probate matters are handled by the Probate Court in the county where the deceased person was **domiciled** (lived permanently) at the time of death. If the deceased was not a Michigan resident, file in a county where the deceased owned property.

Find your county probate court at: courts.michigan.gov. The clerk's office can tell you which forms are required and the current filing fees, but cannot give you legal advice.

When You Should Contact an Attorney

- There is a dispute among heirs, devisees, or creditors.
- The deceased owned real property in another state.
- The estate is insolvent or owes significant or contested debts.
- The will is being contested or its validity is questioned.
- There are minor children or beneficiaries with special needs.
- The estate involves a business interest, complex investments, or a lawsuit.
- You are unsure about any step in this guide.

Need More Help?

If you have specific questions about your situation, contact a licensed Michigan probate attorney.

Michigan State Bar Lawyer Referral Service: (800) 968-0738 | michbar.org

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