

Kerri Curtiss

From: Region3 Info <Region3-Info@courts.mi.gov>
Sent: Thursday, March 01, 2018 2:41 PM
To: Chamberlain, Paul; Curtiss, Kerri
Cc: Region3 Info; Bruce Kilmer
Subject: UTC04, 2018-01, Authority for Probate Register to Perform Judicial Acts - Approved

UTC04, 2018-01, Authority for Probate Register to Perform Judicial Acts - Approved

Rescinds 1997-08D and 2001-04

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,



J. Bruce Kilmer, J.D.

Regional Administrator

Michigan Supreme Court, State Court Administrative Office

Region III, PO Box 750, Mt. Pleasant, MI 48804-0750

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STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

Mt. Pleasant, Michigan 48858

TEL. (989) 772-0911 FAX (989) 772-7337

HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE
KERRI R. CURTISS
COURT ADMINISTRATOR

HON. WILLIAM T. ERVIN
TRIAL JUDGE
HON. MARK H. DUTHIE
TRIAL JUDGE
HON. ERIC R. JANES
TRIAL JUDGE

Administrative Order 2018-01

Rescinds and replaces LAO 1997-08D issued December 10, 1997 and LAO 2001-4 issued November 26, 2001

AUTHORITY FOR PROBATE REGISTER TO PERFORM JUDICIAL ACTS

IT IS ORDERED:

This order is issued under the authority granted this court in MCL 600.834 and MCR 8.301.

1. The authority granted in this order extends to uncontested cases involving:
 - a. a decedent's estate, including small estate assignment and determination of heirs as a separate proceeding,
 - b. a trust,
 - c. a delayed registration of foreign birth,
 - d. an appeal of denial of delayed certificate of in-state birth
 - e. a death by accident or disaster,
 - f. an opening of a safe deposit box,
 - g. a secret marriage,
 - h. a matter involving the Uniform Transfers to Minors Act.

For purposes of this order, an uncontested case is a matter where there is no objection or contest from any party as to the relief requested in the petition, application, or complaint.

2. The authority granted in this order does not extend to any matters involving:
 - a. a person's commitment to, or incarceration in, an institution or facility,
 - b. appointment of guardian for a legally incapacitated individual,
 - c. appointment of a conservator for a reason other than minority,
 - d. a developmentally disabled individual.


3. Until further order, the probate register and deputy probate register have the authority to perform the following acts in case types listed in 1:
 - a. determine whether the petitioner or the petitioner's attorney has complied with the requirements of law and supreme court rules,
 - b. set the time and place of hearings,
 - c. take acknowledgments,
 - d. administer oaths,
 - e. sign notices, citations, and subpoenas to fiduciaries, attorneys, and sureties,
 - f. conduct conferences with fiduciaries required to ensure prompt administration of estates,
 - g. in an uncontested matter, take testimony as provided by law or court rule in all of the following matters:
 - 1) appointment of a fiduciary of the estate of a deceased or minor,
 - 2) admission to probate of a will, codicil, or other testamentary instrument,
 - 3) determination of heirs,
 - 4) sale, mortgage, or lease of property,
 - 5) assignment of the residue of an estate or any part of the residue of an estate,

6) setting and approval of bonds,

4. Upon the oral or written request of an interested person made before commencement or during the hearing of the proceeding, the proceeding shall be taken immediately before the judge for trial or hearing of the issues.

Effective Date:

Date: 3/1/18


Chief Judge Signature: