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**To:** <CourtFormsInfo@courts.mi.gov>  
**Date:** 6/30/2009 1:45 PM  
**Subject:** Proposed SCAO Probate Forms  
**Attachments:** 090630 Probate Council Suggested Probate Forms.pdf

Dear SCAO Probate Forms Unit:

This is a formal request for the revision of 9 probate forms and the creation of 1 new probate form. This request is from the Council of the Probate & Estate Planning Section of the State Bar. The requested changes are summarized below:

#### Trust Forms

\* PC 610 is the one form change precipitated by the passage of the Michigan Trust Code (MTC) legislation. The form was modified to track the language used in the MTC.

#### Probate Forms

\* PC 565 changes the title of the form from "Testimony Interested Persons" to "Testimony to Identify Heirs". This change is needed due to the new MCR 5.302(B) which became effective May 1, 2009. Text of rule: "Sworn Testimony Form. At least one sworn testimony form sufficient to establish the identity of heirs and devisees must be submitted with the application or petition that commences proceedings. A sworn testimony form must be executed before a person authorized to administer oaths."

\* PC 566 changes the title the form from "Supplemental Testimony Interested Persons" to "Supplemental Testimony to Identify Non-Heir Devisees". This change is also being made based upon the new language contained in MCR 5.302(B), see text above.

\* PC 577, Inventory, deletes outdated references to Guardians and Conservators. Given the addition of PC 674 (Inventory, Conservatorship), all references to conservators and guardians on the Estate Inventory form and instructions are deleted. Also, to avoid confusion with the new Conservatorship Inventory, the form's title is changed to Inventory, Decedent's Estates.

\* PC 604a is a new form for an Application for the Appointment of a Successor Personal Representative. This form may be used in those situations in which a Personal Representative's appointment has been terminated by death, conservatorship or resignation. EPIC Sections 3301(1)(f), 3609, 3610, 3611(2), and 3614(a), and MCR 5.204 indicate that, in these cases, the appointment of a successor Personal Representative is to be made informally by application.

\* PC 604 is modified to include only those portions of the form that relate to a Petition to Remove a Personal Representative and appoint a Successor Personal Representative.

#### Guardianship and Conservatorship Forms

\* PC 637, Order Following Review of Guardianship. The suggested changes are essentially an effort to make it clear to guardians that they must continue to file annual reports after an annual review is completed. Many mistakenly read the form to mean that the guardianship is simply continued and that they only have to worry about the next review date. A few other changes were made to make the form more cohesive.

\* PC 640, 671, and 674 are all conservatorship forms. The changes indicated replace "protected person" with "protected individual" which is the proper defined term to be used. See EPIC Section 1106(t).

Please let me know if you have trouble opening the attachment or if you have comments or questions about the proposed revisions. Thank you.

Very truly yours,

Marlaine C. Teahan, Chair

Forms Committee

Probate & Estate Planning Council

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