

PROBATE

checklist



RUTKOWSKI
LAW FIRM

ASSET PROTECTION & ESTATE PLANNING

PROBATE

is the legal process that takes place after someone passes away to ensure that their assets are distributed according to their wishes or according to Michigan law. Whether or not someone's personal wishes are followed or if the court steps in is determined by how they set up their estate planning before they died. The probate process is complex, expensive and time consuming, so it's essential to have a checklist to ensure that everything is done correctly. Our probate team put together a checklist that our client families and the community can access to see what needs to be done. **These items are important to review for anyone currently going through the probate process or preparing to go through the probate process:**

NO. 1

IDENTIFY THE EXECUTOR OR PERSONAL REPRESENTATIVE (PR)

The first step in the probate process is to identify the Executor or Personal Representative named in the Will or appointed by the court. This person will be responsible for managing the estate, paying debts, and distributing assets.



NO. 2

FILE THE WILL WITH THE PROBATE COURT

If there is a Will, it must be filed with the probate court within 42 days of the person's death. The court will then determine its validity and appoint the Executor or Personal Representative.

NO. 3

NOTIFY CREDITORS AND BENEFICIARIES

The Executor or Personal Representative must notify creditors and beneficiaries of the probate proceedings within four months of the person's death. This notice must be sent by certified mail, and it must include information about the probate process and their rights.

NO. 4

TAKE INVENTORY OF ASSETS

The Executor or Personal Representative must take inventory of all the assets in the estate. This includes real estate, personal property, bank accounts, investments, and any other assets. This inventory must be filed with the court.





NO. 5

PAY DEBTS AND TAXES

The Executor or Personal Representative must pay all debts and taxes owed by the estate. This includes filing income tax returns and estate tax returns if necessary.

NO. 6

DISTRIBUTE ASSETS

Once all debts and taxes have been paid, the Executor or Personal Representative can distribute the remaining assets to the beneficiaries named in the Will or according to Michigan law if there is no Will.

NO. 7

FILE A FINAL REPORT

The Executor or Personal Representative must file a final report with the court, detailing all the assets that were distributed and all the debts and taxes that were paid.

NO. 8

CLOSE THE ESTATE

Once the final report has been filed, the court will close the estate, and the probate process will be complete.

The probate process can be complicated but this checklist can help ensure that everything is done correctly. While this checklist is comprehensive and will help you prepare yourself for the probate process, you should always consult an attorney before attempting to do so yourself. There are many documents and filing deadlines that the court will request in between the items or events on this checklist and if one is missed or filed incorrectly, it can cost thousands of dollars and months of additional time in court. If you are the Executor or Personal Representative of an estate in Michigan, it's essential to consult with an experienced probate attorney to guide you through the process and help you avoid any mistakes.

**SCHEDULE YOUR CONSULT NOW TO GET
STARTED TODAY!**



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