



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5103 (as reported without amendment)
Sponsor: Representative Rodney Wakeman
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Estates and Protected Individuals Code to specify the priority among individuals seeking appointment as a general personal representative.

Under Section 3203 of the Code, for either formal or informal proceedings, people who are not disqualified have priority for appointment as personal representative in the following order:

- The person with priority as determined by a probated will, including a person nominated by a power conferred in a will.
- The decedent's surviving spouse if he or she is a devisee (a person entitled to receive property by will) of the decedent.
- Other devisees of the decedent.
- The decedent's surviving spouse.
- Other heirs of the decedent.
- After 42 days after the decedent's death, the nominee of a creditor if the court finds the nominee suitable.
- After 63 days after the decedent's death, or if the court determines exigent circumstances exist, the State or county public administrator if certain circumstances specified in the Code apply.

Under the bill, this priority would apply to individuals who were not disqualified for appointment as a *general* personal representative.

The Code specifies that Sections 3203 and 3204 (which contains provisions generally governing the nomination and renunciation of a representative) govern priority for appointment of a successor personal representative, but do not apply to the selection of a special personal representative. Under the bill, those sections also would govern priority for appointment of a general personal representative.

MCL 700.3203 & 700.3204

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-18-20

Fiscal Analyst: Michael Siracuse