

Act No. 67
Public Acts of 2000
Approved by the Governor
March 29, 2000
Filed with the Secretary of State
March 30, 2000
EFFECTIVE DATE: April 1, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Rep. Richner

ENROLLED HOUSE BILL No. 5497

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 834 (MCL 600.834), as amended by 1996 PA 388.

The People of the State of Michigan enact:

Sec. 834. (1) Except as provided in subsection (2), a probate register or deputy probate register is competent to exercise any of the following powers in an uncontested matter or hearing if authorized by general order of the probate judge or chief probate judge of the county in which the probate register or deputy probate register was appointed:

(a) Determine whether the petitioner or the petitioner's attorney has complied with the requirements of law and supreme court rules.

(b) Take acknowledgments.

(c) Administer oaths.

(d) Set hearings.

(e) Sign notices, citations, and subpoenas.

(f) Take testimony required by law or supreme court rules in all of the following matters:

(i) Appointment of a fiduciary of an estate of a deceased or minor.

(ii) Admission to probate of a will, codicil, or other testamentary instrument.

(iii) Determination of heirs.

(iv) Sale, mortgage, or lease of property.

(v) Assignment of residue of an estate or any part of the residue of an estate.

(vi) Setting and approval of bonds.

(vii) Removal of fiduciaries.

(viii) Issuing of a license to marry, if the issuance of the license is authorized under section 1 of 1897 PA 180, MCL 551.201.

(g) Perform an act or issue an order as specified in the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, if that act authorizes the probate register to do so.

(2) A probate register or deputy probate register shall not enter a judgment. A probate register or deputy probate register shall not exercise any power provided in subsection (1) if the matter or hearing is:

(a) For a commitment to, or incarceration in, an institution or facility.

(b) For appointment of a guardian of a legally incapacitated individual or the appointment of a conservator for a reason other than minority.

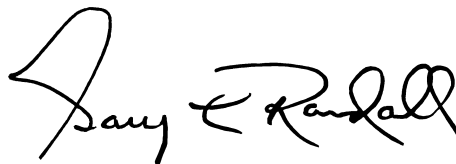
(c) For or involves a developmentally disabled person.

(3) An order made by a probate register or deputy probate register shall be made over the name of the probate judge for whom the order is made, and the probate register or deputy probate register shall place his or her signature under the name of the judge. An act done or order made by the probate register or deputy probate register authorized under this section shall have the same validity, force, and effect as though done or made by the judge.

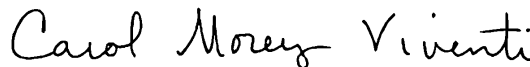
(4) Upon the oral or written request of an interested party made before commencement or during the hearing of the proceeding, the proceeding shall be taken immediately before the judge for trial or hearing of the issues.

Enacting section 1. This amendatory act takes effect April 1, 2000.

This act is ordered to take immediate effect.



.....
Clerk of the House of Representatives.



.....
Secretary of the Senate.

Approved

.....
Governor.