

THORNBURY & FINCH
ESTATE & ELDER LAW · BIRMINGHAM, MICHIGAN

A Family Guide to Probate in Michigan

What to expect, step by step, when you are the one in charge

A plain-language guide from the desk of Thornbury & Finch

What probate is, in one paragraph

Probate is the court process that moves property out of a deceased person's name when nothing else (a trust, a beneficiary designation, joint ownership) already does the job. In Michigan it runs through the probate court in the county where the person lived. For most families it is paperwork and patience rather than courtroom drama, and knowing the sequence removes most of the fear.

Does the estate even need probate?

- Assets with named beneficiaries, jointly owned property, and trust-owned assets skip probate entirely.
- Michigan offers simplified procedures for small estates (the dollar threshold adjusts annually) and a short affidavit path for very modest ones.
- If the only asset is a home held by a Lady Bird deed, there may be nothing to probate at all.

The realistic timeline

Every estate is different, but an uncontested Michigan estate commonly runs seven months to a year, and the floor is set by law: creditors get a four-month window to bring claims, so even a simple estate rarely closes faster than five to six months.

Stage	What happens	Typical time
Opening	File the petition, court appoints the personal representative (PR), letters of authority issue	2 to 6 weeks
Notice & inventory	Notify heirs and known creditors, publish notice, file the inventory of assets	1 to 3 months
Creditor window	Statutory four-month period for claims; pay valid debts and taxes	4 months (fixed)
Administration	Sell or transfer assets, resolve disputes, prepare the accounting	1 to 4 months
Closing	Distribute to heirs, file the closing paperwork, discharge the PR	2 to 6 weeks

If you are the personal representative

The PR is a fiduciary: you act for the estate, not for yourself, and Michigan holds you to that standard. The role is very manageable if you stay organized:

- Order more death certificates than you think you need (a dozen is not excessive).

- Open an estate bank account; never mix estate money with your own.
- Keep every receipt and log every transaction from day one; the final accounting is built from this.
- Do not distribute anything to heirs until the creditor window closes and debts are handled.
- Communicate with heirs early and often; most probate fights begin as silence.

Where families go wrong

- Distributing early, then discovering a creditor claim with the money already gone.
- Treating the inventory casually; undervalued or missed assets reopen the estate later.
- Assuming the will controls accounts that actually pass by beneficiary designation.
- Letting the house sit uninsured and empty while the estate is open.

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