

Cass County Probate Court

Law & Courts Building
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This resource is designed to give you an overview of probate proceedings and it is for informational purposes. It is not a substitute for legal advice. The Cass County Probate Court staff cannot tell you what to do. If you need legal advice and/or help with understanding the forms, you should speak with an attorney.

Decedent Estates – General Information

Informal Probate Proceedings

An estate can be opened informally or formally. The informal process begins by the filing of an Application, along with the other required paperwork by an interested person. If the application is granted, a Personal Representative may be appointed by the Probate Register and Letters of Authority may be issued. A hearing is not required. The following documentation is necessary to open the estate:

- [PC 558](#) – Application for Informal Probate and/or Appointment of Personal Representative
- [PC 565](#) – Testimony to Identify Heirs
- [PC 568](#) – Registers Statement
- [PC 571](#) – Acceptance of Appointment
- [PC 572](#) – Letters of Authority for Personal Representative
- [PC 573](#) – Notice of Appointment and Duties of Personal Representative
- Copy of the decedent's death certificate
- Original Will (if applicable).

The following forms may be necessary based on your particular situation.

- [PC 566](#) – Supplemental Testimony to Identify Non-Heir Devisee.
 - This is required if there is a devisee who is not an heir.
- [PC 567](#) – Renunciation of Right to Appt., Nomination of Personal Rep., and Waiver of Notice
- [PC 557](#) – Notice of Intent to Request Informal Appt. of Personal Representative
- [PC 563a](#) – Publication of Notice
- [PC 564](#) – Proof of service
- [PC 606](#) – Appearance of Parent – Required if an interested person is a minor

Formal Probate Proceedings

Formal proceedings begin with the filing of a Petition, along with the necessary documentation. The matter will be scheduled for a hearing before the Probate Court Judge. If granted, the Judge will issue an Order of Formal Proceedings, which may appoint the Personal Representative, determine heirs, and admit the decedent's will. The following documentation is necessary to open the estate:

- [PC 559](#) – Petition for Probate and/or Appointment of Personal Representative
- [PC 565](#) – Testimony to Identify Heirs
- [PC 569](#) – Order of Formal Proceedings
- [PC 571](#) – Acceptance of Appointment
- [PC 572](#) – Letters of Authority for Personal Representative
- [PC 573](#) – Notice of Appointment and Duties of Personal Representative
- [PC 562](#) – Notice of Hearing
- [PC 564](#) – Proof of service
- [PC 563](#) – Publication of Notice (*For Cass County Probate Court, the Judge requires that all hearings for a petition requesting a determination of heirs be published in a Cass County newspaper. The notice must be published at least 14 days prior to the hearing date.*)
- Copy of the decedent's death certificate
- Original Will (if applicable).

The following forms may be necessary based on your particular situation.

- [PC 566](#) – Supplemental Testimony to Identify Non-Heir Devisee.
 - This is required if there is a devisee who is not an heir.
- [PC 567](#) – Renunciation of Right to Appt., Nomination of Personal Rep., and Waiver of Notice
- [PC 561](#) – Waiver and Consent
- [PC 570](#) – Bond of Fiduciary (*Applicable if ordered by the Judge*)
- [PC 563a](#) – Publication of Notice

FEES: For either type of proceeding, the filing fee is \$175. This fee is not refundable. Certified copies of the Letters of Authority are \$12 each. There will also be an Inventory Fee due based on the value of the estate, which is due one year after the appointment of the personal representative, or at the time you file to close the estate, whichever occurs first. Cash, check, or money orders are accepted. Checks and money orders should be made out to Cass County Probate Court. Credit cards are not accepted at this time.

All paperwork must be completed in ink and must be legible. The Court is required to refuse paperwork that is not in compliance with the court rules.

Administering the Estate

Once appointed, the Personal Representative has many responsibilities and duties to comply with in order to properly administer the estate. The Court cannot tell you how to accomplish this. You will need to seek legal advice if you have questions about the process. As part of the estate administration process, the following forms may be needed:

- [PC 577](#) – Inventory
- [PC 574](#) – Notice to Creditors
- [PC 578](#) – Notice to Known Creditors
- [PC 618](#) – Personal Representative’s Notice to Friend of the Court
- [PC 584](#) – Account of Fiduciary
- [PC 587](#) – Notice of Continued Administration – Must be filed annually and served on all interested parties if the estate is not closed within a year.

Closing the Estate

There are different ways to close an estate and the following are forms that may be used depending on your situation:

- [PC 591](#) – Sworn Statement
- [PC 590](#) – Sworn Statement – Summary Proceedings
- [PC 592](#) – Certificate of Completion
- [PC 593](#) – Petition for Complete Estate Settlement
- [PC 596](#) – Schedule of Distributions and Payment of Claims
- [PC 584](#) – Account of Fiduciary
- [PC 595](#) – Order for Complete Estate Settlement