

HOW TO CLOSE A PROBATE CASE

By

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- I. Closing Basics
 - II. Closing Guardianships
 - a. Developmentally Disabled Adults
 - b. Adults
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 - c. Unsupervised Estates

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- I. Termination and Closing of Estates (the Basics)
 - a. Know your options - when is adjudication available, required, or desired?
 - b. Inform all interested parties
 - c. Inform the court
 - d. Use the correct forms
 - II. Guardianships – terminating guardianships require an order from the judge
 - a. Guardianships of Individual or Estate (DD and DDT matters)
 - i. Partial Guardianships automatically terminate 5 years after order establishing the guardianship
 - ii. Otherwise, the partial guardianship may terminate before 5-year expiration date, or a plenary guardianship may terminate via the following filings:
 - 1. For guardianships of individual –via filing of final report ([PC663](#)) and death certificate/proof of death, or if the ward is not deceased via filing of a Petition to Terminate ([PC677](#));
 - 2. For guardianships of the estate – via filing of a Petition to Allow (Final) Account ([PC 585a](#)), with account ([PC 584](#)) **and** Petition to Terminate ([PC677](#)), See [MCL 330.1637](#).
 - 3. See [MCL 330.1644](#)

- b. Adult Guardianship (limited or full) – file the necessary paperwork and serve it on all interested parties as identified under [MCR 5.125\(C\)\(26\)](#)
 - i. If the ward dies, then via filing of final report ([PC 634](#)) and death certificate
 - ii. If the ward is not deceased, via filing a Petition to terminate guardianship ([PC675](#))
 - c. Minor Guardianships (limited or full)
 - i. Case automatically terminates when minor reaches age 18
 - ii. If the minor dies prior to reach age 18, then via the filing of the minor's death certificate
 - iii. If the request is to terminate the guardianship prior to age 18, then via the Petition to terminate, [PC675](#)
- III. Conservatorships and Protective Orders
 - a. Protective Orders
 - i. These cases close per the terms of the protective order, usually upon entrance of the order or after the filing of any requisite proof of transfer or receipts as may be ordered in the protective order
 - b. Adult Conservatorships – Our court's procedures for termination:
 - i. During lifetime of ward: via Petition to Allow Final Account ([PC 585a](#)), the account ([PC 584](#)), and a Petition to Terminate ([PC 676](#))
 - ii. Following death of ward: via Petition to Allow Final Account ([PC 585a](#)), the account ([PC 584](#))
 - c. Minor Conservatorships – Our court's procedures for termination:
 - i. When the minor reaches as 18 (the age of majority), via the filing of the Minor Final Account, [PC648m](#), and related Receipt of Ward and Discharge, [PC649](#)
 - ii. Note: if the case is administratively closed prior to the ward reaching age 18, once the former minor reaches age 18, the minor can petition the court to release the funds by using the PC648m (there is no fee for this petition and usually the court reviews this petition ex parte, without hearing, to expedite the process)
 - iii. If termination is desired sooner, then via the Petition to Terminate ([PC676](#)) and the Petition to Allow Final Account ([PC 585a](#)), with the account ([PC 584](#)).
- IV. Trust proceedings (supervised trusts)
 - a. Petition to terminate supervision (non-SCAO form, self-drafted or use Petition and Order ([PC 586](#)) – the court may likely order a final account to be filed, so it is good practice to file a Petition to allow account and proposed final account with the petition to terminate.
 - b. *Note partially supervised trusts should close upon the court order of partial supervision, if not indicated in the order, file a petition to terminate supervision.

- V. Civil Litigation (CZ Matters)
- a. There must be a Final Order that resolves the final claim and closes the case, entered into the case record; if the matter is dismissed or resolved upon stipulation, there must still be final order(s) entered resolving all claims against all defendants. [MCR 2.602\(A\)\(3\)](#)
- VI. Decedent Estates
- a. Small Estates – the Petition and Order for Assignment procedure naturally closes the case upon entry of the order. No further action is required. [MCL 700.3982](#)
 - b. **General Requirement for all estates** – the inventory fee must be paid and inventory asset values must be fully verified prior to the filing of any pleadings to close an estate; the PR must submit the information necessary for the probate court to calculate the fee. [MCR 5.307\(A\)](#)
 - c. Supervised Estates – An estate administered in supervised administration must be closed by an order for complete estate settlement under MCL 700.3952. ([MCR 5.310\(H\)](#) and MCR 5.311(B)(1))
 - i. File the Petition for Complete Estate Settlement, [PC 593](#), with the Schedule of Distributions [PC 596](#), and final Account(s), [PC 584](#) or [PC 583](#)
 - ii. If you amend the final account(s) or the scheduled of distributions, you are amending the request in the petition for complete estate settlement, therefore you must also submit an AMENDED Petition for Complete Estate Settlement (with service met for these amended pleadings on all parties within the required time)
 - iii. If ordered by the court, final Receipts of Distributive Share ([PC 588](#)) must be filed to complete the administration of the case and close the matter
 - d. Unsupervised Estates – there are multiple options for closing estates that are unsupervised
 - i. Option 1 & 2: Informal closing – Sworn Statement or Summary Proceeding Sworn Statement -- A personal representative may close the estate via filing of a sworn closing statement under [MCL 700.3954](#) or [MCL 700.3988](#), [PC 591](#) (Sworn Statement to Close Unsupervised Administration) or [PC 590](#) (Sworn Closing Statement, Summary Proceeding, Small Estates), respectively. [MCR 5.311\(A\)](#)
 - 1. If adjudication of testacy has not previously occurred, or if formal determination of heirs has not occurred, the informal closing process leaves these matters unadjudicated.
 - 2. There is no order entered – no order of discharge, no order cancelling a bond, no order determining heirs, and no order adjudicating testacy for the will – this leaves possible future liability and does not provide complete resolution

3. The Personal Representative is still required to prepare and serve on all interested parties a final account. MCL 700.3954(1)(c)&(d), and MCL 700.3988(1)(c).
 4. For estates closing under MCL 700.3954, creditors notice must have been completed (publication and time for creditors to present claims has passed). MCL 700.3954(1)(a)
 5. Inventory fees must be paid prior to filing and to do so, the fee must be calculated with asset values verified by the court. The PR must submit the information necessary for the probate court to calculate the fee. [MCR 5.307\(A\)](#)
 6. The Certification of Completion merely indicates that the sworn statement was filed, and the court received no objections – it is not an adjudication. It does not release liability nor cancel a surety bond. [MCL 700.3958](#)
 7. The case file is not closed until one year passes from file date of the sworn statement. MCL 700.3954(2) and MCL 700.3988(3)
 8. A notice of continued administration, [PC 587](#), may be filed and it has the effect of undoing the sworn statement and updated Letters of Authority may then be issued (in other words, within one year of the filing of a sworn statement, it can be set aside with a notice of continued administration)
 9. Once the case closes after one year, if additional estate proceedings are required, a petition to reopen, [PC 607](#), should be filed. [MCL 700.3959](#)
- ii. Option 3 & 4: Formal closing via Petition for Complete Estate Settlement, with or without final account
1. With final account(s) – The Personal Representative can be discharged (MCR 5.311(B)(3)). The Account(s), Petition for Complete Estate Settlement, and Schedule of Distributions should be filed together.
 2. Without final account(s) – The Personal Representative’s authority is terminated. The Petition for Complete Estate Settlement and Scheduled of Distributions should be filed together. The PR still has a duty to serve all interested parties with a final account even though the accounting is not being filed with court.
 3. Inventory fees must be paid, with asset values fully verified. MCR 5.307
 4. An order cancelling bond may be issued.
 5. The case is closed upon entry of the final order.