A SOUTHEAST MICHIGAN FAMILY GUIDE

REALITY

REAL ESTATE BROKERAGE

A GUIDE FOR PERSONAL REPRESENTATIVES

Michigan Probate & Estate Guide

Steady help with the house, so your family can focus on each other.

A plain language guide to probate in Michigan, the Personal Representative's role, and calm, unhurried options for the home. No pressure, and nothing to sign.

PREPARED BY

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BEFORE YOU READ ON

You do not have to carry the house alone.

First, I am sorry for your loss. Along with grief, you have been handed a long list of responsibilities, and one of the largest is often the home. I wrote this guide so that part, at least, can feel a little simpler.

For about fifteen years I have helped Michigan families through real estate, and I hold the CPRES (Certified Probate Real Estate Specialist) and SRES designations for exactly these moments. Before real estate I was a financial counselor and a U.S. Department of Justice bankruptcy counselor, so paperwork and hard numbers do not rattle me.

My role is quiet and practical. I look after the real estate side, work alongside your attorney, and keep things moving at a pace that respects your family. There is no cost to talk, and nothing here to sign.

Dave Moody

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INSIDE THIS GUIDE

UNDERSTANDING THE PROCESS

What probate is, and what it means for the house

01

What probate is

Probate is the court supervised process of settling someone's estate after they pass. The court confirms who has the legal authority to act, makes sure valid debts and taxes are handled, and oversees how what remains is passed on, either according to the will or, if there is no will, according to Michigan law.

Where the house fits in

For many families the home is the single largest asset in the estate. It usually cannot be sold or transferred until someone has been formally appointed and given legal authority to act. Knowing that order early prevents a lot of second guessing later on.

Informal and formal, in plain terms

Michigan offers a lighter, mostly paperwork based path (often called informal) and a more court involved path (formal), used when matters are contested or complicated. Your attorney helps you choose, and most straightforward estates use the simpler route.

Not everything goes through probate

Some assets pass outside probate entirely, such as property held jointly with rights of survivorship, accounts with a named beneficiary, or assets held in a living trust. A quick review tells you what actually needs the court's involvement, and what does not.

Does the house itself go through probate? How it is titled usually decides.

- **Titled only in the deceased's name.** Usually part of the probate estate.
- **Joint with rights of survivorship.** Usually passes to the surviving owner.
- **Held in a living trust.** Usually passes under the trust, not the court.
- **A transfer on death deed.** Known here as a Lady Bird deed.

Gentle takeaway

Probate is a process with a clear order, not one overwhelming task. Once you understand that order, the home becomes a series of manageable steps you can take one at a time.

THE TRUST YOU HAVE BEEN GIVEN

The Personal Representative and the property

02

As Personal Representative you are trusted to protect the estate's value, and the home is usually the biggest part of that. These are the practical duties that come with the house.

Secure the home

Make sure the property is locked, safe, and looked in on. Change the locks if keys are unaccounted for, and either check on it yourself or arrange for someone nearby to do so.

Keep insurance active

A vacant home still needs coverage, and many policies treat an empty house differently. Confirm the policy is current and tell the insurer the home is unoccupied, so a claim is not denied later.

Maintain it and keep costs current

Keep utilities, property taxes, the lawn, and basic upkeep current enough to prevent damage. Small, steady maintenance is one of the simplest ways to preserve the estate's value.

Establish a fair value

The estate needs a clear, documented value for its records and any filings. Section 04 walks through how a fair, defensible number is reached.

Sell or transfer it properly

In time the home is either sold or passed to the people entitled to it, following the will or Michigan law, and with the court's approval where that is required.

A duty to the estate, not to any one person

You carry a fiduciary duty, a legal responsibility to act in the best interest of the estate and everyone who benefits from it. Keep clear records, treat the heirs even handedly, and lean on help before any large decision about the property.

WHAT TENDS TO HAPPEN, AND ROUGHLY WHEN

The Michigan probate timeline

03

Every estate moves at its own pace. This is a general picture so you can see the shape of the road ahead, not a fixed schedule you have to keep.

1

Weeks 1 to 4 · Filing and appointment

The case is opened and the Personal Representative is appointed.

The estate is opened with the probate court, and the Personal Representative is formally appointed and given Letters of Authority, the document that proves the right to act on the estate's behalf.

2

First months · Notice and inventory

Heirs and creditors are notified, and assets are identified.

Known heirs and creditors are notified, notice may be published, and the estate's assets, including the home, are identified and inventoried for the court.

3

Ongoing · Debts, claims, and administration

Valid debts are reviewed and paid, and the estate is kept running.

Creditors are generally given a set period, often around four months, to present claims. The Personal Representative reviews them, pays what is valid, and keeps the estate running, including insurance and upkeep on the home.

4

Middle to later · Valuation and any sale

The property is valued, and sold if that is the plan.

The home is valued, and if the estate is selling it, this is usually when it is prepared, listed or sold, and closed, with court approval where that is required.

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Later · Final accounting and distribution

What remains is distributed and the estate is closed.

A final accounting is filed with the court, what remains is distributed to the right people, and the estate is formally closed.

A gentle note on timing

Michigan probate often runs from several months to a year or more, depending on the estate. There is rarely a need to rush the home. Steady, well documented progress serves the family best.

KNOWING WHAT THE HOME IS TRULY WORTH

Valuing the property

04

A clear, defensible value protects the estate, keeps the heirs on the same page, and supports the records the court and any tax professional will want. Here is how a fair number is reached.

A probate market analysis

A comparative market analysis weighs recent nearby sales, the home's condition, and current demand to reach a realistic value. It is grounded in what similar homes have actually sold for.

Date of death value

Estates and tax records often look at the home's value as of the date of passing. Establishing this early, in writing, makes later steps and any filings much smoother.

Online estimates are a start

Automated website estimates can be off by a wide margin, because they cannot see condition, updates, or the local market. Treat them as a rough first glance, never a final figure.

Helpful to have on hand

- The deed and the latest tax bill
- Roof, furnace, and water heater ages
- Dates of window, kitchen, or bath work
- Photos of each room, basement, and yard
- Notes on anything known not to work

What can move the number

- Condition next to comparable homes
- Deferred maintenance, and how visible
- Basement moisture and mechanical wear
- The lot, the layout, and the street
- How many similar homes are for sale

Pricing done with training, not guesswork

I hold the PSA (Pricing Strategy Advisor) designation, which is focused on reading comparable sales and pricing a home accurately. For an estate, that means a number you can stand behind with the court, the heirs, and any tax professional.

When a formal appraisal helps

For some estates a licensed appraiser's report is useful or required. I can tell you honestly when a market analysis is enough, and when ordering an appraisal is worth the estate's money.

CARING FOR THE HOUSE IN THE MEANTIME

Protecting and preparing the property

05

A home that sits empty needs attention. A little coordination now protects the estate's value and keeps every option open for later.

Vacant home risks

Empty houses are more exposed to weather damage, burst pipes, break ins, and lapses in insurance. Regular checks, or a trusted person living nearby, go a long way.

Cleanout, at your pace

Sorting a lifetime of belongings is heavy work, both emotionally and physically. I can coordinate estate cleanout help so the family is not left to face it all alone.

Minor repairs and cosmetics

Often a modest cleanup, fresh paint, or a few small fixes are all a home needs to show well. It is rare that an estate needs a major renovation to sell.

Trusted contractor referrals

When work is worth doing, I can connect you with reliable local contractors and gather honest quotes, so the estate spends wisely and only where it counts.

30 The first thirty days, a simple checklist

- Change or rekey the locks, and note who still holds a key
- Forward the mail, and stop papers, deliveries, and subscriptions
- Tell the insurer, in writing, that the home is now unoccupied
- Keep the utilities on, and set a safe thermostat floor before winter
- Move valuables, firearms, and personal papers somewhere secure
- Keep the lawn cut and the walks clear, so the home looks tended

You are not the property manager alone
You do not have to oversee the home by yourself. I keep an eye on it, coordinate the people who touch it, and keep you updated, so it stays protected while your family takes the time it needs to make decisions.

CHOOSING THE RIGHT PATH FOR THE ESTATE

Selling the estate property

06

There is no single right answer. The best choice depends on the home's condition, the estate's needs, and what the heirs want. Here are the honest tradeoffs.

Sell as is, often for cash

BEST FOR SPEED AND SIMPLICITY

An as is or cash sale skips repairs, showings, and long marketing, and can close quickly. It gives the estate certainty and funds, usually at a lower price than a fully prepared home would bring.

- Little or no repair work needed
- Fewer showings and less disruption
- A faster, more predictable closing
- Helpful when the estate needs liquidity

Prepare and sell on the market

BEST FOR THE HIGHEST PRICE

Listing a cleaned up home on the open market usually earns more, but it asks for more time, some preparation, and ongoing carrying costs while the home is for sale.

- Typically a higher final price
- Some prep, repairs, or staging
- A longer timeline to close
- Carrying costs continue meanwhile

Questions about the estate

- Is the Personal Representative appointed
- Does the court need to approve a sale
- Do the heirs agree, at least in principle
- Are taxes, insurance, and any loan current
- Who holds the keys and the documents

Questions about the home

- Are there liens or unpaid property taxes
- Is it insurable and safe to show today
- Is anyone living there, and on what terms
- What would a modest cleanup cost
- Is there anything a buyer must be told

Timing follows the estate, not the market's mood
If bills, taxes, or upkeep are mounting, a quicker sale can relieve real pressure. If there is no strain, taking time to prepare can add value. Some estate sales also need the court's approval before closing, and I make sure that step happens at the right time.

Keep the heirs aligned
Selling goes smoothest when everyone who benefits understands the plan. Clear, early communication prevents disputes and keeps the process calm. I am glad to help explain the options to the whole family.

YOU DO NOT HAVE TO KNOW EVERYTHING

The professionals around you

07

A good estate team shares the load, and each person handles the part they know best. Here is who typically helps, and what each one does.

Probate attorney

Guides the legal filings, advises the Personal Representative, and keeps the estate in step with Michigan law. For most estates, this is the first call to make.

CPA or tax professional

Handles the estate's tax questions and any final returns, so nothing is overlooked and the numbers are right when the estate is closed.

Appraiser

Provides a formal, independent opinion of value when the estate or a particular filing calls for one beyond a market analysis.

What to bring to the first meeting

- The original will, and any trust papers
- Certified copies of the death certificate
- The deed and the latest mortgage statement
- The insurance policy and the agent's name
- A rough list of assets, debts, and heirs

How the team works together

- The attorney sets the legal steps, and the order
- The CPA answers the tax questions
- I handle value, condition, and the sale
- We copy each other on what changes
- You stay informed, not the messenger

A brief, honest word on inheritance funding
Some independent companies offer advances against an expected inheritance. They can be a real option for families who need cash before the estate settles, but they are a higher cost choice, availability varies, and they are separate third parties, not part of our office. If you consider one, read the terms closely and understand the full cost first.

You do not have to assemble the team alone
If you do not already have an attorney or a tax professional, I can point you to trusted local ones and coordinate with them, so everyone is working from the same plan and you are not left holding all the phone calls.

THE WORDS YOU WILL HEAR

A short glossary of common terms

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You do not need to memorize any of these. Keep this page nearby, and reach for it whenever a document or a phone call uses a word you would like translated.

Beneficiary
A person or organization named to receive something from the estate.

Heir
A person entitled to inherit under the law when there is no will directing otherwise.

Intestate
Passing away without a valid will. Michigan law then decides who inherits.

Testate
Passing away with a valid will that directs how the assets are distributed.

Personal Representative
The person appointed by the court to manage and settle the estate.

Probate
The court supervised process of settling an estate after someone passes.

Probate court
The Michigan court that oversees the estate and approves key actions.

Joint tenancy with survivorship
Ownership that passes automatically to the surviving owner, usually outside probate.

Tenancy in common
Shared ownership where each share can pass to that owner's own heirs or estate.

Letters of Authority
The court document showing the Personal Representative may act for the estate. Title companies, banks, and insurers will ask to see a current copy.

Inventory
The list of the estate's assets and their values, prepared for the court. The home is usually the largest single line on it.

Fiduciary duty
The legal obligation to act in the estate's best interest, ahead of your own, and to treat everyone who benefits even handedly.

If a term ever worries you, ask

Legal language can make a simple thing sound complicated. If a word on a form or a call gives you pause, write it down and ask your attorney or ask me. A plain answer is always a fair thing to want.

ONE STEP AT A TIME, ON YOUR TIMELINE

Let's talk when you are ready.

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Dave Moody

MANAGING BROKER & CPRES, REALITY REAL ESTATE BROKERAGE

A licensed Michigan Managing Broker with about fifteen years in real estate, and the CPRES (Certified Probate Real Estate Specialist) and SRES (Senior Real Estate Specialist) designations. A former financial health counselor and U.S. Department of Justice bankruptcy counselor, I quietly handle the real estate side of an estate so your family can focus on each other.

What a first conversation actually sounds like

1. **You talk, I listen.** You tell me what has happened and where things stand. No forms first.
2. **We look at the home.** Its condition, the estate's needs, and any deadlines from the court.
3. **I lay out the options plainly**, including the ones that do not involve selling at all.
4. **You decide what is next**, on your family's timeline. Confidential either way.

You take care of your family. I will take care of the house.

A calmer path through probate.

Free, confidential, and unhurried. Just clear answers and honest options.

- Protect the estate's value
- See every option
- Move at your family's pace

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