

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998
Part 5
SUPERVISED ADMINISTRATION

700.3501 Supervised administration; nature of proceeding.

Sec. 3501.

(1) Supervised administration is a single in rem proceeding to secure complete administration and settlement of a decedent's estate under the court's continuing authority that extends until entry of an order approving estate distribution and discharging the personal representative or other order terminating the proceeding.

(2) A supervised personal representative is responsible to the court, as well as to the interested persons, and is subject to directions concerning the estate made by the court on its own motion or on the motion of an interested person.

(3) Except as otherwise provided in this part or as otherwise ordered by the court, a supervised personal representative has the same duties and powers as a personal representative who is not supervised.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.3502 Supervised administration; petition; order.

Sec. 3502.

(1) Any interested person or a personal representative may file a petition for supervised administration at any time, or a petition for supervised administration may be joined with a petition in a formal testacy or appointment proceeding.

(2) If a decedent's testacy or a personal representative's priority and qualification have not been previously adjudicated, a petition for supervised administration shall include the matters required of a petition in a formal testacy proceeding, and the notice requirements and procedures applicable to a formal testacy proceeding apply. If not previously adjudicated, the court shall adjudicate the decedent's testacy and questions relating to the personal representative's priority and qualifications in any case involving a request for supervised administration, even though the request for supervised administration may be denied.

(3) After notice to interested persons, the court shall order supervised administration of a decedent's estate in any of the following circumstances:

(a) If the decedent's will directs supervised administration, the court shall order supervised administration unless the court finds that circumstances bearing on the need for supervised administration have changed since the execution of the will and that supervised administration is not necessary.

(b) If the decedent's will directs unsupervised administration, the court shall only order supervised administration on a finding that it is necessary for protection of persons interested in the estate.

(c) In other cases, the court shall order supervised administration if the court finds that supervised administration is necessary under the circumstances.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.3503 Supervised administration; effect on other proceedings.

Sec. 3503.

(1) The pendency of a proceeding for supervised administration of a decedent's estate stays action on a pending informal application or an informal application filed after commencement of the proceeding for supervised

administration.

(2) If a will has been previously probated in informal proceedings, the filing of a petition for supervised administration has the same effect as a formal testacy proceeding under section 3401.

(3) After receipt of notice of the filing of a supervised administration petition, a personal representative who has been previously appointed shall not exercise the power to distribute the estate. The filing of such a petition does not affect the personal representative's other powers and duties unless the court restricts the exercise of any of those powers and duties pending full hearing on the petition.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.3504 Supervised administration; powers of personal representative.

Sec. 3504.

Unless restricted by the court, a supervised personal representative has, without an interim order approving exercise of a power, all the powers of a personal representative under this act, but shall not exercise the power to make a distribution of the estate without prior court order. Any other restriction on a supervised personal representative's power that the court orders must be endorsed on the letters of appointment. Unless a restriction is endorsed as provided in this section, the restriction is ineffective as to persons dealing in good faith with the personal representative.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.3505 Supervised administration; interim orders; partial distribution or other relief.

Sec. 3505.

Unless otherwise ordered by the court, supervised administration is terminated by an order in accordance with time restrictions, notices, and contents of orders prescribed for proceedings under section 3952. The court may issue an interim order approving or directing a partial distribution or granting other relief at any time during the pendency of a supervised administration on the petition of the personal representative or an interested person.

History: 1998, Act 386, Eff. Apr. 1, 2000 ;-- Am. 2000, Act 54, Eff. Apr. 1, 2000

Popular Name: EPIC