



## FILING A PROBATE CASE

It appears that you may need to file a probate estate. This usually happens when the people living in the home have never transferred the title (ownership) to the home into the names of the heirs of the last title holder (typically a relative who has passed away). The probate court will provide the heirs with a recordable title to the property in the names of the eligible heirs or devisees (people named in a will). Once you have title, if you also live in the home, you may be eligible for a better payment plan to pay back taxes, be given more time to get your taxes paid, or other government assistance.

The probate court process can take several months and may involve going to the court at least three times (it may be quicker and easier too, depending on the case). Once you file a probate case, however, the Wayne County Treasurer may take the property out of the tax foreclosure court process, and may hold off putting that house into the auction. Back taxes are still due and must be paid (usually with a payment plan), and a property might be foreclosed by the Treasurer even if it is in probate. You will be dealing with two cases, one brought by the Treasurer in Circuit Court and one you file in Probate Court.

The Tax Foreclosure Prevention Project will meet with you at our offices to talk with you about your next steps. Due to our limited resources, we are not able to represent you in Probate Court, but we will assist you in deciding on a strategy, preparing the forms, applying for other assistance if it applies to your situation, etc. Please let us know any time your address or telephone numbers change.

We do not charge for our services, but the Wayne County Probate Court does not waive its fees (except for the initial \$175 filing fee, if you receive public assistance). In order to start a case, you will need \$175 for the filing fee, \$12 for the letter of authority, and \$92 to publish the case if you do not know the addresses of all interested parties and/or if the estate that you are opening is for a person who died less than three years ago. In addition, there will be an inventory fee and possibly other fees. We will direct you on how, when and where you will have to have the funds. Fees could be less if you can use a "small estate."

### Your Probate Intake Appointment:

**When:** \_\_\_\_\_

**With:** Deborah Choly 313-964-4130 [dcholy@milegalservices.org](mailto:dcholy@milegalservices.org)

**Reminder:** Bring all necessary documents to your appointment! See back of this flyer for full list of documents.

### Free Counseling Assistance

**United Community Housing Coalition / Michigan Legal Services**

Monday, Wednesday, or Friday mornings between 9 am and 12 noon

2727 Second Ave., Suite 313, Detroit, MI 48201

UHC: 313.963.3310 | MLS: 313.964.4130 | Tax Foreclosure Hotline: 313.405.7726



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## Please bring the following to your appointment:

- Will (if there is one)
- Whatever proof you have that you should be given title to the home you live in, for example:
  - Land contract
  - Receipts showing payment to the last owner
  - Last recorded deed to the property (Copies can be purchased for a small fee at Register of Deeds, 400 Monroe Street, 7th Floor).
- Death certificate(s) for anyone who previously owned the property, or had the right to own the property
- Copies of any documents previously filed in Probate Court for this property, whether case is open or not
- State Equalized Value of the house in the year(s) of the death of the person(people) whose estate is being filed. SEV data can be purchased for \$2 from local Assessors. (City of Detroit Assessor, Coleman A. Young Municipal Center, #804. Ask for the "SEV" for the property for the year of the person's death.)
- List of all known heirs, devisees and interested parties, which includes their names, current addresses and current telephone numbers, and their relationship to the deceased person (e.g., "son," "wife," etc.)
  - HEIRS are: Spouse, children, parents of the deceased person.
  - DEVISEES are: People named to receive benefits in a will who are not heirs
  - INTERESTED PARTIES are: Others who may have interest in the property, including mortgage/creditors
- Current government-issued picture ID.
- If you have a low income and you are receiving public assistance, the Probate Court will waive the initial filing fee (\$175.00). If this applies to you, also bring with you a printout or letter from DHHS, Medicaid or SSI letter showing your current status and your case number.
- "Paid in Full" funeral bill.

**Client Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Foreclosure Status:** \_\_\_\_\_

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