

Property Transferred Without Probate

There are 4 kinds of property which pass to a new owner on death without going through probate.

1. Property which is owned by the decedent and another person as joint tenants with right of survivorship will pass automatically to the surviving joint owner without going through probate (except in the case of certain joint bank accounts which are established with another person who is to act as agent for the decedent).
2. Beneficiary designated properties (such as life insurance, pension benefits, and IRAs) are payable on death, without probate, to the beneficiary designated by the decedent (or, if none, as designated in the contract or plan itself).
3. Properties owned by a revocable trust do not go through probate but instead are disposed of after death in accordance with the instructions written into the trust document.
4. There are even some forms of property owned solely by the decedent which would otherwise require probate that are exempt in certain instances. Those notable exceptions include the following:

Wearing Apparel and Cash of \$500 or less. MCL 700.3981

1. Decedent wearing apparel and cash of \$500.00 or less may be transferred to a decedent's spouse, child or parent without court approval or intervention.
2. Who may transfer?
 - a. Hospital
 - b. Convalescent or nursing home
 - c. Morgue
 - d. Law enforcement agency
3. What is required?
 - a. Proof of identity of spouse, child or parent.
 - b. Sworn statement for verification of relationship.
 - c. Sworn statement that there is no application or petition pending for estate administration.
4. The transferor is released to the same extent as if delivery were made to a legally qualified personal representative. The person receiving the decedent's property is answerable to a person with a prior right and accountable to personal representative of the decedent's estate appointed after the transfer.

Transfer of Vehicles at the Secretary of State. MCL 257.236

1. Title to registered vehicles may be transferred without court intervention if the total values of the decedent's solely owned vehicles does not exceed \$60,000.00 and there is no other property for which probate court administration is required.
2. How is the title transferred?
 - a. Complete the Secretary of State Form TR- 29, Certification From The Heir to a Vehicle, available at a Secretary of State office or at www.sos.state.mi.us;
 - b. Attach the vehicle title (if available) to the form;
 - c. Present a certified copy of the death certificate of the vehicle owner;
 - d. Certificate of title will be furnished according to the following priority:
 - i. Spouse
 - ii. Heirs
3. If the title is held jointly, with the title indicating "full rights to survivor" printed in it, then all that is needed to transfer the vehicle to the survivor's name is the title and a copy of the death certificate.

Money due from Decedent's Employer for Wages and Fringe Benefits. MLC 408.480

1. Money from wages or fringe benefits may be transferred without court intervention if there is no other property for which probate court estate administration is required.
2. Who may receive payment?
 - a. Fringe benefits are payable as designated by the terms of the employer's contract, policy or plan.
 - b. Wages and fringe benefits are payable to the person(s) designated in a statement signed by the employee and filed with the employer before the employee's death.
 - c. Any wages and fringe benefits not covered by #1 or #2 shall be payable to the employee's survivors according to the following priority:
 - i. Spouse
 - ii. Children
 - iii. Mother or father
 - iv. Sister or brother
3. Payment will be a full discharge and release of the employer from the wages and fringe benefits due and owing the deceased employee.

Transfer by Affidavit. MCL 700.3893

1. An estate consisting of entirely personal property may qualify for this procedure. Twenty-eight days or more after the decedent's death, a person holding the decedent's property must deliver it to the decedent's successor when the successor presents the death certificate and a sworn statement using Affidavit of Decedent's Successor for Delivery of Certain Assets Owned by Decedent (PC598), which must state that:
 - a. The estate does not include property;
 - b. 28 days have passed since the decedent's death;
 - c. An application or petition for appointment of personal representative is not pending or has not been granted;
 - d. The successor is entitled to the payment or delivery of the property;
 - e. The name and address of any other person that is entitled to a share of the property;
 - f. The estate value, less liens and encumbrances, does not exceed the annual Cost-of Living Adjustments. Refer to the following link for the annual adjusted amount.

Cost of Living Adjustments ([COLA](#))