Cass County Probate Court
& Circuit Court Family Division

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LOCAL ADMINISTRATIVE ORDER #2003-01

AUTHORITY FOR PROBATE REGISTER TO PERFORM JUDICIAL ACTS

IT IS ORDERED:

This order is issued under the authority granted this court in MCL 600.834 and MCR 8.301.

1. The authority granted in this order extends to uncontested cases involving:

   a. a decedent's estate, including small estate assignment and determination of heirs as a separate proceeding,

   b. a trust,

   c. a guardianship or conservatorship for a minor,

   d. a protective order,

   e. a delayed registration of foreign birth,

   f. an appeal of denial of delayed certificate of in-state birth,

   g. a death by accident or disaster,

   h. an opening of a safe deposit box,

   i. A review of an adoption subsidy,

   j. a review of a drain commission matter,

   k. a review of mental health financial liability,

   l. a secret marriage,

   m. a matter involving the Uniform Gift to Minors Act.

For purposes of this order, an uncontested case is a matter where there is no objection or contest from any party as to the relief requested in the petition, application, or complaint.

2. The authority granted in this order does not extend to any matters involving:

a. a person's commitment to, or incarceration in, an institution or facility,

b. a guardianship for a legally incapacitated individual,

c. a conservatorship for an adult,

d. a guardianship for a developmentally disabled individual.

3. Until further order, the probate register and deputy probate register have the authority the following judicial acts in the case types listed in 1:

a. conduct a hearing,

b. conduct a pre-hearing conference,

c. sign or by device indicate the name of a judge to all order and letters of authority of the court, with the same force and effect as though the judge had signed them. In all such cases, the authorized individual must place his or her initials under the name of the judge.

4. Until further order, the probate register and deputy probate register have the authority to perform the following acts in case types listed in 1:

a. determine whether the petitioner or the petitioner's attorney has complied with the requirements of law and supreme court rules,

b. set the time and place for hearings,

c. take acknowledgments,

d. administer oaths,

e. sign notices to fiduciaries, attorneys and sureties,

f. conduct conferences with fiduciaries required to ensure prompt administration of estates,

g. in an uncontested decedent estate case, take testimony as provided by law or court rule in all of the following matters:

1) appointment of a fiduciary of the estate of a deceased or minor,

2) admission to probate of a will, codicil, or other testamentary instrument,

3) determination of heirs,

4) sale, mortgage, or lease of property,

5) assignment of the residue of an estate or any part of the residue of an estate,

6) setting and approval of bonds,

7) removal of fiduciaries,

h. take testimony as provided by law or court rule in both of the following matters:

1) issuing of a license to marry if the issuance of the license is authorized under section 1 of 1897 PA 180, MCL 551.201,

2) conduct conferences with fiduciaries required to ensure prompt administration of estates.

5. Upon the oral or written request of an interested person made before commencement or during the hearing of the proceeding, the proceeding shall be taken immediately before the fudge for trial or hearing of the issues.

Date: 4-30-03

P32783
SUSAN L. DOBRICH, Probate Judge