
State of Michigan

Local Administrative
Order

Washtenaw County
Trial Court

Authority for Probate Register to Perform
Judicial Acts

P81 2022-01

Effective Date: January 6, 2022

This administrative order rescinds and replaces Washtenaw County Trial Court Local Administrative Order P81 2021-09 "Authority for Probate Register to Perform Judicial Acts."

AUTHORITY FOR PROBATE REGISTER TO PERFORM JUDICIAL ACTS

IT IS ORDERED:

The purpose of this order is to appoint Lindsay Ryan as Deputy Probate Register and to continue the appointment of Robert Carbeck as Probate Register/Referee and the appointments of Amy White and Laurynn Mancini as Deputy Probate Registers.

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 of 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 Transfers 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. the appointment of a guardian of a legally incapacitated individual
 - c. the appointment of a conservator for a reason other than minority
 - d. a developmentally disabled individual.

3. Until further order, the probate register/referee and deputy probate registers have the authority to perform the following judicial acts in the case types listed in 1:
 - a. conduct a hearing
 - b. conduct a pre-hearing conference
 - c. to sign or by device indicate the name of a judge to orders 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 registers have the authority to perform the following acts in case types listed in 1:
 - a. determine whether the petition or the petitioner's attorney has complied with the requirements of law and supreme court rules,
 - b. set the time and place of hearings,
 - c. take acknowledgements,
 - d. administer oaths,
 - e. sign notices, citations and subpoenas to fiduciaries, attorneys, and sureties,
 - f. conduct conferences with fiduciaries required to ensure prompt administration of estates,
 - g. in an uncontested matter, take testimony required by law or supreme court rules in all of the following matters:
 - 1) appointment of a fiduciary of the estate of a deceased person 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 residue 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 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 judge for trial or hearing of the issues.

Dated: 1/5/2022



Carol Kuhnke, Chief Judge
Washtenaw County Trial Court