

PROBATE COURT ACCOUNT INSTRUCTIONS

COURT STAFF IS PROHIBITED BY LAW FROM GIVING LEGAL ADVICE, IF YOU HAVE ANY LEGAL QUESTIONS DURING THIS PROCESS PLEASE CONTACT AN ATTORNEY.

Forms must be filled out completely and uploaded to MiFile (mifile.court.michigan.gov/login). Keep copies for your own record.

FILING FEE OF \$20 DUE AT TIME OF FILING ONLINE

Step One: File Petition to Allow Account (PC 585a)

The petitioner is requesting the Judge to allow there account.

Step Two: File Account of Fiduciary, Short Form (PC 583)

First Page:

Column 1: Income and gain in this accounting period

List here all money that came into the estate during the accounting period. Specifically list each source of income. If you need extra space, you can write "see attached list," but make sure to attach a list that clearly indicates the sources and amounts of income. Typical sources of income include: social security, capital gains, tax refunds, and interest on bank accounts, VA benefits, SSI (disability), Pension, Wages, Annuities, Dividends from stock, Rental income, and Life insurance benefits. Make sure to record the total of all income and receipts at the bottom of the column.

Column 2: Expenses, losses, and other disbursements

List her all the money that was paid out of the estate during the accounting period. Just as with Schedule A, you should specifically list each expense, loss, or other disbursement. If you need extra space, you may write "see attached list," but make sure to attach a list that clearly indicates the purposes and amounts of the expenses include: personal items, groceries, utilities, medical care, room & board in a facility, insurance payments, and taxes.

Gifts or charitable donations, such as the protected individual might have been expected to make, may be made in conservatorship for adults as long as the estate is more than sufficient to provide for the protected individual's needs and the annual total of such gifts does not exceed 10% of the estate income.

Additionally, final accounts may include distributions to devisees, heirs, and beneficiaries.

These expenses may be listed by category. Make sure to record the total of all expenses, losses, and disbursements at the bottom of the column.

Second Page:

2a: balance on had from Inventory or from your previous years accounting

2b: enter the total from column 1 on page one

OTTAWA COUNTY PROBATE COURT
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2c: total of 2a & 2b

2d: enter the total form column 2 on page two

2e: this amount should equal (exactly) the total you reflect in box 3, itemized assets remaining at the End of Accounting Period. If these two amounts do not match the court cannot accept the account for filing and you may need to seek assistance from an attorney or an accountant.

Box 3: Itemized assets remaining at end of accounting period

List here all assets in estate at the end of the accounting period. If you need extra space, you can write "see attached list," but make sure to attach a list that clearly indicates each asset and its value. These assets and their value may be listed by category. Here's an example:

Home at 123 Main Street	\$100,000.00
Checking Account	\$5,000.00
Stock Portfolio	\$50,000.00
Personal and Household property	\$2,500.00
Balance of Assets Remaining	\$157,500.00

For assets like the home and Personal and Household property, these should be given a value as of the Inventory or as of the date they acquired, and that value should remain the same on each Annual Account unless that asset is sold or otherwise disposed. If an asset is sold during accounting period, the gain or loss on those assets must be listed in the columns.

For assets like Checking Account and Stock Portfolio that are on deposit with a bank or an investment firm, **you must attach 12 months of statements.** The statement must verify that the amount stated on your account is, in fact, on deposit with the financial institution.

Balance of assets remaining: you must total the value of the assets in the state. Since this is a total of the assets on hand at the end of the accounting period, this total must equal the total balance of assets remaining on Line 2e.

4: If any interested person has moved or died since his/her contact information as given to the court, this must be communicated to us. If someone has died please attach a death certificate.

7 & 8: Statute (MCL 700.543) permits a conservator to obtain only "reasonable compensation" for services rendered. [The Mental Health Code allows for no compensation for a guardian of the estate of a person with developmental disability.] **If you charge the estate a fee for serving as conservator, you must attach a written statement of the services performed.** It should include a description of the services, the dates of those services were performed, and the amount of time spent on each service. Likewise, **if an attorney fees were incurred, a written statement of the services performed must be included.**

Signatures:

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Fiduciary-you, as conservator (or as guardian of the estate of a person with developmental disability), must sign and date the account. If there are co-conservators (or Co-Guardians of the estate of a person with developmental disability), both must sign.

Attorney-If you have an attorney representing you in the conservatorship (or guardianship of the estate of a person with developmental disability), he or she must also sign.

****You are required to file all bank statements, remaining assets verifications, attorney fee statements, and any fiduciary fee statements. You may be required to turn in receipts for all expenses if requested by the Judge****

Step Three: File Proof of Service (PC 564)

This form tells the Judge that you sent copies of The Petition to Allow, Account of Fiduciary, and Waiver/Consent forms to all interested Parties. Interested parties include but may not be limited to the following:

- The protected individual or ward, if he or she is 14 years of age or older
- The presumptive heirs of the protected individual or ward
- The claimants
- The guardian ad litem
- The personal representative, if any.

Completed the proof of service by filling in the names and last known addresses of each person served under the appropriate heading; by regular mail or electronic service through MiFile and include the date the service was made.

Step Four: File Waiver/Consent Form (PC 561)

All interested parties must be sent a waiver/consent form. If the interested person is in agreeance with the account then they sign stating so.

If the Court does not receive waiver/consent forms from all interested parties then the Account will be set for hearing. If this is the case please contact the Court and we will direct you further.

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