

SENATE BILL No. 280

April 5, 1989, Introduced by Senators KELLY, NICHOLS
and DE GROW and referred to the Committee on Judiciary.

A bill to amend section 712 of Act No. 642 of the Public
Acts of 1978, entitled as amended
"Revised probate code,"
as added by Act No. 222 of the Public Acts of 1988, being
section 700.712 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 712 of Act No. 642 of the Public Acts of
2 1978, as added by Act No. 222 of the Public Acts of 1988, being
3 section 700.712 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 712. (1) A claimant with a claim against a decedent's
6 estate shall present the claim by either of the following:

7 (a) Delivering or mailing to the personal representative or
8 proposed personal representative a written statement of the claim
9 indicating its basis, the name and address of the claimant, and

1 the amount claimed, or by filing a written statement of the
2 claim, in the form prescribed by supreme court rule, with the
3 court and delivering or mailing a copy of the statement to the
4 personal representative or proposed personal representative. The
5 claim shall be considered presented on receipt of the written
6 statement of claim by the personal representative or the filing
7 of the claim with the court, whichever occurs first. If a claim
8 is not yet due, the date when it will become due shall be
9 stated. If the claim is contingent or unliquidated, the nature
10 of the uncertainty shall be stated. If the claim is secured, the
11 security shall be described. Failure to describe correctly the
12 security, the nature of an uncertainty, and the due date of a
13 claim not yet due shall not invalidate the presentation made.

14 (b) Commencing a proceeding to obtain payment of a claim
15 against the estate in a court where the personal representative
16 may be subjected to jurisdiction. The commencement of the pro-
17 ceeding shall occur within the time limited for presenting the
18 claim. A presentation of a claim is not required in matters
19 claimed in proceedings against the decedent that were pending at
20 the time of death.

21 (2) Except as otherwise provided in this subsection, if a
22 claim is presented under subsection (1)(a), a proceeding on the
23 claim shall not be commenced more than 63 days after the personal
24 representative has mailed a notice of disallowance. For a claim
25 that is not presently due or that is contingent or unliquidated,
26 the personal representative may consent to an extension of the
27 63-day period, or to avoid injustice the court, on petition, may

1 order an extension of the 63-day period, but an extension shall
2 not be consented to or ordered if the extension would run beyond
3 the applicable statute of limitations.

4 (3) Claims by the personal representative against the estate
5 shall be in the form prescribed by supreme court rule and filed
6 with the court. The personal representative shall give a copy of
7 the claim to all interested persons not later than 7 days after
8 the time for original presentation of the claim has expired.
9 THIS SUBSECTION SHALL NOT APPLY TO A CLAIM FOR COLLECTION OF COM-
10 PENSATION FOR SERVICES RENDERED AND FOR REIMBURSEMENT OF EXPENSES
11 ADVANCED BY THE PERSONAL REPRESENTATIVE.