

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2928 Land of infants and incompetents; disposition; discharge of incumbrance; effect of will or conveyance; proceeds of sale; dower; court orders; infant or incompetent as ward of court; proceedings; delivery of guardianship property.

Sec. 2928. (1) The circuit court may order the sale, lease, exchange, conveyance, and if necessary or desirable, the platting, of all or any part of any lands, tenements, and hereditaments held by an infant or other incompetent person, by way of mortgage, in trust only for others, in fee, life tenancy, tenant for years, or in any other way when it appears that the sale, lease, exchange or conveyance is necessary and proper for the support, maintenance and education of the infant or other incompetent or that the interest of such person or the person for whom the property is held will be substantially promoted by the sale, lease, exchange, conveyance or platting. This power shall be exercised in accordance with the rules of court and in the manner and with the restrictions as the court deems expedient.

(2) Whenever it is made to appear to the court that it will be manifestly for the interest and advantage of any infant or other incompetent person that any incumbrance upon the real estate of such person should be purchased and discharged, in whole or in part, the court may authorize the guardian of such person to purchase and discharge the same, and if necessary, to sell and dispose of such part of the real estate of such person as may be necessary for that purpose. Such purchase and discharge shall in no way be construed as vesting in said guardian any right, title or interest in such premises, to the prejudice of such person.

(3) But no real estate or term for years shall be sold, leased or disposed of in any matter against the provisions of any last will, or of any conveyance, by which such estate or term was devised or granted to such infant or other incompetent person.

(4) No sale made as aforesaid of the real estate of any infant or other incompetent person, shall give to such infant or other incompetent person, any other or greater interest or estate in the proceeds of such sale than he had in the estate sold; but the said proceeds shall be deemed real estate of the same nature as the property sold.

(5) With the consent of the person holding a dower interest in such property, the court may authorize that a lump sum settlement releasing dower be made with such person and taken from the proceeds received.

(6) Every conveyance, lease, or other disposition of the property, and every plat, made pursuant to the order of the court and confirmed by the court, shall be as good and effective in law as if it were made by the infant or other incompetent person, when of lawful age and of sound mind.

(7) The infant or other incompetent person, in an action under this section becomes a ward of the court for the property involved, its proceeds and income, and he and his guardian are subject to periodic orders of the court pertaining thereto.

(8) Proceedings under this section are equitable in nature.

(9) When a guardian has been appointed by the probate court, the circuit court guardian shall deliver all guardianship property and funds to the probate court guardian and upon receipt therefor, the guardian appointed by the circuit court shall be discharged.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1964, Act 117, Eff. Aug. 28, 1964.