

**TAX FORECLOSURE PREVENTION PROJECT**  
**United Community Housing Coalition - Michigan Legal Services**

## **FILING A PROBATE CASE**

It appears that you may need to file a probate estate. This usually happens when the people living in the home have never transferred the title of the home into the names of the heirs of the last title holder, typically a relative who has passed away. The probate court will eventually provide the heirs with a recordable title to the property in the names of the eligible heirs or devisees (people named in a will). Once you have title, if you also occupy the home, you may be eligible for an extension of time to pay your taxes, or other government assistance.

The probate court process will take several months, and usually involves at least 3 court hearings. Once you file a probate case, however, the Wayne County Treasurer may withhold the property from the tax foreclosure court process, and may not proceed to auction. Back taxes are still due and must be paid, however, and a property might be foreclosed by the Treasurer even if it is in probate. You will be dealing with two cases, one brought by the Treasurer in Circuit Court, and one you file in Probate Court.

The Tax Foreclosure Prevention Project of the United Community Housing Coalition and Michigan Legal Services will meet with you at our offices to consult with you about your next steps. Due to our limited resources, we are not able to represent you in Probate Court. Please let us know any time your address or telephone number(s) change.

We do not charge for our services, but the Wayne County Probate Court does not waive its fees. In order to begin a probate case, you will need \$150 for the filing fee, \$12 for a letter of authority, and \$80.25 to publish the action if you do not know the addresses of all interested parties and/or if the estate that you are opening is for a person who died less than three years ago. In addition, there will be an inventory fee and some final closing fees needed after you file the case. We will direct you on how, when and where you will have to use the funds.

### **YOUR APPOINTMENT IN OUR OFFICE IS SCHEDULED FOR:**

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**Please bring the following to your appointment:**

\_\_\_\_\_ Will (if it exists)

\_\_\_\_\_ Copies of any papers previously filed in any Probate Court dealing with this property (whether or not that case is closed or open)

**OVER**

\_\_\_\_\_ Whatever proof you have that you should be given title to the home you live in, for example:

- \_\_\_\_\_ land contract
- \_\_\_\_\_ receipts showing payments to the last owner
- \_\_\_\_\_ the last recorded deed to the property (Register of Deeds, 400 Monroe Street, 7<sup>th</sup> Floor) There is a fee to get a copy

\_\_\_\_\_ death certificate(s), for anyone who previously owned the property, or had the right to own the property

\_\_\_\_\_ You will need to get the value of the house as determined by the Assessor's Office for the year of the death of the person who's estate is being presented to the Probate Court. There is a \$2 fee for this. You can get this information from Room 824 on the "Office Tower" side of the CAYMC on the 8<sup>th</sup> Floor.\* Ask the clerk for the "SEV" for the property address for the year of the person's death. \* Detroit residents

\_\_\_\_\_ Also bring with you a list of all known heirs, devisees and interested parties, which includes their names, current addresses and current telephone numbers, and their relationship to the deceased person (e.g., "son," "wife" etc.)

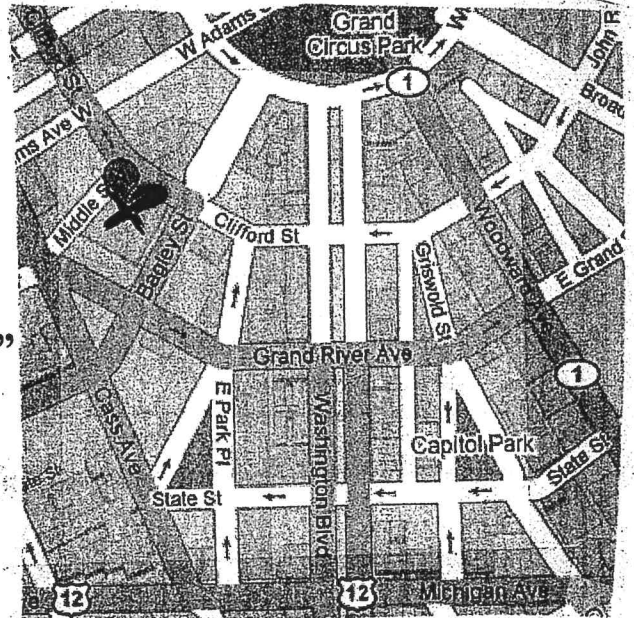
HEIRS are: Spouse, children, parents of the deceased person.

DEWISEES are: People named to receive benefits in a will who are not heirs

INTERESTED PARTIES: Others who may have an interest in the property, including any creditors of the deceased person.

**WE ARE LOCATED AT:  
220 BAGLEY, the "Michigan Building"  
Suite 900 (on the 9<sup>th</sup> floor)**

**Michigan Legal Services  
(313) 964 4130**



**220 Bagley is located 2 blocks west of Grand Circus Park  
between Clifford and Grand River, in downtown Detroit**