



Berrien County Trial Court

PAUL L. MALONEY, CHIEF JUDGE • BRIAN E. RAY, ADMINISTRATOR
COURTHOUSE • 811 PORT STREET • ST. JOSEPH • MI • 49085
(269) 983-7111 • EXT. 8453 • FAX (269) 982-8634
www.berriencounty.org

Administrative Order 2007-03

AUTHORITY FOR PROBATE REGISTER TO PERFORM JUDICIAL ACTS

IT IS ORDERED:

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 for a minor;
 - d. a protective order;
 - e. a death by accident or disaster;
 - f. an opening of a safe deposit box;
 - g. a review of mental health financial liability;
 - h. a secret marriage;
 - i. 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, any institution or facility;
 - b. appointment of guardian for a legally incapacitated individual;
 - c. appointment of a conservator for a reason other than minority;
 - d. a developmentally disabled individual.
3. Until further order, the probate register, or any deputy register, has the authority to perform the following judicial acts in the case types listed in 1:
 - a. sign or by device indicate the name of a judge to all 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, or any deputy register, has the authority to perform the following acts in case types listed in 1:
 - a. determine whether the petitioner 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. in an uncontested matter, take testimony as provided by law or court rule in all of the following matters:
 - 1) appointment of a fiduciary of the estate of a deceased or minor;
 - 2) admission to probate of a will, codicil, or other testamentary instrument;

- 3) assignment of the residue of an estate or any part of the residue of an estate;
 - 4) setting and approval of bonds;
 - 5) removal of fiduciaries;
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.

Effective date: July 1, 2007

June 29, 2007
Date

(original signed this date and on file)
Paul L. Maloney, Chief Judge