
**MICHIGAN
STATUTORY WILL**

QUESTIONS AND ANSWERS

Michigan Statutory Will

1. What happens if I die without a will?

With certain exceptions, your possessions are distributed according to state law.

2. What can I accomplish by making out a will?

You can choose who is to receive your property; select someone to serve as personal representative (formerly known as executor); and appoint a guardian for your children under age 18.

3. Does having a will avoid probate procedures after my death?

No. The issue of whether probate procedures must be followed is not solely dependent on whether or not you have a will.

4. What property is not subject to probate procedures?

Property such as: money held in a joint bank account; real estate, if your spouse's name or a joint tenant's name is on the deed; and life insurance benefits, if a person living at the time of your death was named as a beneficiary in the policy.

5. If property is specified in my will, am I prevented from giving it away or selling it during my life?

No. Your will has absolutely no effect until you die. If you sell or give away property mentioned in the will, that provision of the will is simply ignored.

6. Are there different types of wills?

Yes. Each type is equally valid if done precisely in accordance with the law. It is recommended that you see a lawyer if you wish to draft a will and not use the statutory will form provided in this booklet.

7. What are some of the things I can accomplish through a statutory will?

- (a) You can leave up to two cash gifts of any amount to people or charities.
- (b) You can write a list of personal and household items and name the person or entity to receive each item.
- (c) You can ensure that the rest of your property goes to your spouse. If he or she dies before you, the property is to be distributed equally among your children.
- (d) You can select a personal representative to administer your property.
- (e) You can appoint a guardian and conservator in case you and your spouse both die before your children reach age 18.

8. Are there any reasons for me NOT to use the statutory will form provided in this brochure?

There may be. If, for instance, you have substantial wealth and need tax planning for your estate, you should consult a lawyer who handles estate planning and probate and have a will prepared. Consultation with a lawyer is strongly recommended if you want to establish a trust fund for your children's education, if you have assets outside the state of Michigan, or if you have a significant interest in a business or partnership.

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- 9. I have a wife and two young children. Might a statutory will be appropriate for my purposes?**
Perhaps. A statutory will might be appropriate if you do not have extensive assets and, therefore, do not need tax planning. In a statutory will, you can appoint a guardian for your children and a conservator for your children's assets.
- 10. I would like to leave my favorite niece an antique brooch. Can I do this with a statutory will?**
Yes. A statutory will allows you to leave gifts of personal items by making a list of the items and the person you want to receive each item.
- 11. I am a widow with no children. Could a statutory will be appropriate for me?**
If you do not have substantial assets and you do not object to the limited options for disposing of your property, you may want to use the statutory will form.
- 12. I own a house, a condominium, and much stock. Should I use a statutory will?**
Perhaps not. A statutory will is not designed to reduce federal or state taxes on your estate. If you have very substantial assets, you may wish to check with a lawyer to see if tax planning is recommended.
- 13. I am married for the second time and my husband and I each have children from our first marriages. Would a statutory will be appropriate for my purposes?**
Probably not. The statutory will provides that your estate goes to your husband if he survives you. For that reason, the statutory will may not give you an adequate way to provide for the children from your first marriage. Speaking with a lawyer is likely a good idea for a person involved in a second marriage.
- 14. I have rather complicated business interests, which I wish to pass on through my will. Would a statutory will be appropriate for my purposes?**
No. A statutory will does not provide for any specific business planning.
- 15. What should I do if a statutory will doesn't meet my needs?**
Contact a lawyer with knowledge of estate planning. He or she can draft a will to meet your specific needs.
- 16. How can I find a good lawyer?**
There is no sure-fire way. Here are some suggestions:
- (a) If you have dealt with a lawyer in the past and were satisfied, go back to that person. A lawyer who does not handle estate planning may recommend someone who does.
 - (b) Ask friends, neighbors, or relatives.
 - (c) Ask a person you respect, such as a religious leader, or call an organization such as a consumer group or a civic organization.
 - (d) Call the county or state bar referral service, which will provide you with the names of lawyers.
 - (e) Consult the business section of your telephone directory or newspaper classified section. Don't be intimidated. Don't be afraid to "shop around" for someone you are comfortable with and whose services you can afford.

17. How do I use the statutory will form?

First, thoroughly read the entire form. Read the notice at the beginning and the definitions at the end. After you are sure you understand all of the will's provisions, carefully follow directions and fill in the blanks.

18. Can a statutory will be a joint will?

No. A husband and wife cannot both use a single statutory will. If one spouse chooses to use a statutory will, the other spouse is free to complete a separate statutory will or to choose a different type of will.

19. May I use a statutory will form and yet leave no cash gifts? (Article 2.1)

Yes. You may leave no cash gifts, one cash gift, or two cash gifts. If you do leave a cash gift, it is particularly important that you give a complete address of the person or charity to receive the money.

20. How do I go about preparing a list of personal items? (Article 2.2)

List the possessions such as jewelry, books, automobiles, furniture, and other personal and household items on a separate piece of paper. On the list you should name who is to receive each item—a family member, friend, or neighbor. The list can be as short or long as you choose. Make sure you describe each item sufficiently to avoid confusion. For each person who is to get an item, include his or her full name and address. The list must be in your handwriting or signed by you at the end. It is a very good idea to include the date. You may make the list before you complete the statutory will form, at the same time, or afterward. You can change the list as often as you wish. It is a good idea to staple or firmly attach the newest list to your will.

21. What is the purpose of Article 2.3?

This provision sets out the distribution of your property (other than cash gifts and the list of items) if your spouse, children, grandchildren, and great-grandchildren all die before you. You have a choice: you may leave all the property to your other blood relatives who survive you, or leave one half to those relatives and one half to your spouse's blood relatives. Make your choice by signing your name under the appropriate paragraph.

22. Need I complete Article 3.2 if all of my children are over 18?

No. You may skip Article 3.2 relating to guardians and conservators.

23. How do I decide whether to have my personal representative serve with or without bond? (Article 3.3)

Most people these days request that the personal representative serve without bond. If you are careful to choose a person you trust to be personal representative, you may wish that no money be spent for a bond.

24. After the will is completed, where should I keep it?

One option is to file it in probate court; such filings cost very little. Wherever you keep the will, it is a good idea to attach the list of personal items to the will. You may want to give a copy of the will to the person you have selected as personal representative. If you file the will with a court, you should file a new copy any time you make a change.

25. Can I make changes to my statutory will?

Yes. Since a will has absolutely no effect until you die, you can change the will during your life. But do not write on the will. You can either complete a new statutory will, or have a codicil (an amendment to the old will) or an entirely new will drafted by a lawyer. If you sign a new will, destroy copies of the old one. You can change the list of personal property items at any time. It is probably best to write a whole new list if you decide to make changes.

26. If I move from Michigan would my statutory will still be valid?

Probably yes. It would be a good idea to check with a lawyer who practices law in the state of your new residence.

27. Does my statutory will need to be notarized?

No. ■

MICHIGAN STATUTORY WILL

NOTICE

1. An individual age 18 or older and of sound mind may sign a will.
2. There are several kinds of wills. If you choose to complete this form, you will have a Michigan statutory will. If this will does not meet your wishes in any way, you should talk with a lawyer before choosing a Michigan statutory will.
3. Warning! It is strongly recommended that you do not add or cross out any words on this form except for filling in the blanks because all or part of this will may not be valid if you do so.
4. This will has no effect on jointly held assets, on retirement plan benefits, or on life insurance on your life if you have named a beneficiary who survives you.
5. This will is not designed to reduce estate taxes.
6. This will treats adopted children and children born outside of wedlock who would inherit if their parent died without a will the same way as children born or conceived during marriage.
7. You should keep this will in your safe deposit box or other safe place. By paying a small fee, you may file this will in your county's probate court for safekeeping. You should tell your family where the will is kept.
8. You may make and sign a new will at any time. If you marry or divorce after you sign this will, you should make and sign a new will.

INSTRUCTIONS

1. To have a Michigan statutory will, you must complete the blanks on the will form. You may do this yourself, or direct someone to do it for you. You must either sign the will or direct someone else to sign it in your name and in your presence.
2. Read the entire Michigan statutory will carefully before you begin filling in the blanks. If there is anything you do not understand, you should ask a lawyer to explain it to you.