

Public Policy Position
HB 4416 – HB 4419

The Probate & Estate Planning Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,446 members. The Probate & Estate Planning Section is not the State Bar of Michigan and the position expressed herein is that of the Probate & Estate Planning Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on these items.

The Probate & Estate Planning Section has a public policy decision-making body with 23 members. On March 10, 2023, the Section adopted its position after a discussion and vote at a scheduled meeting. 22 members voted in favor of the Section’s position, 0 member voted against this position, 0 members abstained, 0 members did not vote.

Support with Recommended Amendments**Explanation:**

These proposals were drafted and developed by the Probate and Estate Planning Section. These particular bills are reintroduced versions of the Section's proposals, which did not pass in the last session of the Legislature. Among other things, these bills would increase various financial thresholds found in the Estates and Protected Individuals Code, Uniform Transfers to Minors Act, Motor Vehicle Code (as to after-death transfers of motor vehicles), and Natural Resources and Environmental Protection Act (as to after-death transfers of watercraft); the Council recommended amendments primarily motivated by significant inflation that had occurred since these bill's prior introduction. The recommended amendments to these bills are as follows:

1. HB 4416, page 21, lines 9 and 10: Change threshold to \$30,000.00.
2. HB 4416, page 26, line 3: Change thresholds to \$1,500.00.
3. HB 4416, page 26, lines 21 and 28: Change thresholds to \$50,000.00.
4. HB 4416, page 27, line 18. Add the following text: “(5) Beginning January 1, 2024, when calculating the value of the decedent's gross estate under subsection (1), if real property is included in the estate is encumbered by or used as security for an indebtedness, the amount of the indebtedness (not to exceed \$250,000.00) must be deducted from the value of the real property.”
5. HB 4416, page 28, lines 2 and 26: Change thresholds to \$50,000.00.
6. HB 4416, page 63, line 26: Replace the word, “law,” with “statute.”
7. HB 4417, page 2, line 22: change the threshold to \$120,000.00

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