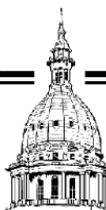




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 459 (Substitute S-1)
Sponsor: Senator Mat J. Dunaskiss
Committee: Judiciary

Date Completed: 5-8-95

SUMMARY OF SENATE BILL 459 (Substitute S-1):

The bill would amend the Revised Probate Code to provide for the distribution of the portion of an estate otherwise due to a "disappeared heir or devisee", rather than the portion of an estate otherwise due to an heir or devisee who is a "disappeared person", and would shorten the period of time before distribution may be made.

The bill specifies that, if one or more of the apparent heirs or devisees of the estate of a deceased person had disappeared, the distribution of the portion of the estate that otherwise would be distributed to the *disappeared heir or devisee* could not be distributed to those who would be entitled to the portion if the disappeared heir or devisee had died before the decedent until at least *18 months* after the decedent's death. Currently, under the Code, the portion of an estate that otherwise would be distributed to an heir or devisee who is a *disappeared person* may not be distributed until *three years* after the death of the decedent.

An heir or devisee would be considered to have disappeared under the bill if the heir or devisee met all of the following:

- He or she had been absent from his or her last known place of abode for at least *two* consecutive years.
- His or her whereabouts were unknown by those people most likely to know of his or her whereabouts during at least the last two consecutive years.
- He or she had not communicated with any of the people most likely to receive communication from him or her during at least the last two consecutive years.

Under the Code, a "disappeared person" is one who meets all of the following:

- The person has been absent from his last known place of abode for at least *seven* continuous years.
- The person's whereabouts were unknown by those people most likely to know of his or her whereabouts during at least the last seven continuous years.
- The person had not communicated with any of the people most likely to receive communication from him or her during at least the last seven continuous years.

If, after the publication of notices required by the Code, a person did not make a claim on or before the expiration of 18 months, rather than three years, the disappeared heir's portion of the estate would have to be distributed by order of the court to each person who would be entitled to the

portion if the disappeared heir or devisee predeceased the decedent, and the disappeared heir or devisee and his or her unknown heirs and devisees would be forever barred from all claim or right to that portion of the estate.

MCL 700.493

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: L. Nacionales-Tafoya

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.