



# SENATE BILL No. 459

April 20, 1995, Introduced by Senator DUNASKISS and referred to the Committee on Judiciary.

A bill to amend section 493 of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," being section 700.493 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 493 of Act No. 642 of the Public Acts of  
2 1978, being section 700.493 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 493. (1) If a person dies testate or intestate leav-  
5 ing property in this state to be administered, and if 1 or more  
6 of the apparent heirs or devisees of the person's estate is a  
7 disappeared person, the distribution of that portion of the  
8 estate which would be distributed to the disappeared person, if  
9 alive, shall not be made until the lapse of ~~3 years~~ 18 MONTHS  
10 after the death of the decedent.

1 (2) Before the distribution of the portion in question, the  
2 personal representative of the estate shall cause to be pub-  
3 lished, at the expense of the persons ultimately receiving the  
4 portion, a notice signed by the representative and addressed to  
5 the disappeared person by name and to the disappeared person's  
6 unknown presumptive heirs and devisees. The notice shall state  
7 that unless cause to the contrary is shown, on a specified date  
8 after the lapse of the period of ~~3 years~~ 18 MONTHS, an order of  
9 distribution will be made by the court for the portion in ques-  
10 tion as though the disappeared person ~~were deceased~~ PREDECEASED  
11 THE DECEDENT.

12 (3) The notice required under subsection (2) shall be pub-  
13 lished in a newspaper of general circulation in the county once  
14 each calendar month for 4 months before the month containing the  
15 day certain when the order is to be made. Within 30 days after  
16 the date of the first publication, copies of the notice shall be  
17 given as provided by supreme court rule to each person named in  
18 the notice and to others who would be entitled to receive the  
19 portion if the disappeared person were dead.

20 (4) If a person does not make a claim on or before the date  
21 specified in subsection (2), on that date the portion of the  
22 estate which would be distributed to the disappeared person, if  
23 alive, less expenses, shall be distributed by order of the court  
24 to each person who would be entitled to the portion if the disap-  
25 peared person ~~were deceased~~ PREDECEASED THE DECEDENT, and the  
26 disappeared person and the disappeared person's unknown heirs and

1 devisees shall be forever barred from all claim or right to the  
2 portion.