

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

700.7604 Proceeding to contest validity of revocable trust; limitation; distribution of property; liability.

Sec. 7604.

(1) Except as provided in subsection (2), a person may commence a judicial proceeding to contest the validity of a trust that was revocable at the settlor's death within the earlier of the following:

- (a) Two years after the settlor's death.
- (b) Six months after the trustee sent the person a notice informing the person of all of the following:
 - (i) The trust's existence.
 - (ii) The date of the trust instrument.
 - (iii) The date of any amendments known to the trustee.
 - (iv) A copy of relevant portions of the terms of the trust that describe or affect the person's interest in the trust, if any.
 - (v) The settlor's name.
 - (vi) The trustee's name and address.
 - (vii) The time allowed for commencing a proceeding.

(2) If a trust that was revocable at the settlor's death becomes an undisclosed trust as that term is defined in section 7409a, a person from whom information described in section 7814(2)(a) to (c) is withheld under section 7409a(1)(a)(i) during the 2-year period following the settlor's death may commence a judicial proceeding to contest the validity of the trust within the earlier of the following:

(a) Two years after the trustee provided the person the information described in section 7814(2)(a) to (c) that was withheld under section 7409a(1)(a)(i) from the person during the 2-year period following the settlor's death.

(b) Six months after the trustee sent the person a notice described in subsection (1)(b).

(3) Upon the death of the settlor of a trust that was revocable at the settlor's death, the trustee may proceed to distribute the trust property in accordance with the terms of the trust. The trustee is not subject to liability for doing so unless either of the following applies:

- (a) The trustee knows of a pending judicial proceeding contesting the validity of the trust.
- (b) A potential contestant has notified the trustee in writing of a possible judicial proceeding to contest the trust and a judicial proceeding is commenced within 63 days after the contestant sent the notification.
- (4) A beneficiary of a trust that is determined to have been invalid is liable to return any distribution received.

History: Add. 2009, Act 46, Eff. Apr. 1, 2010 ;-- Am. 2024, Act 1, Imd. Eff. Feb. 21, 2024

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