

Rule 5.125 Interested Persons Defined

(A) Special Persons. In addition to persons named in subrule (C) with respect to specific proceedings, the following persons must be served:

- (1) The Attorney General must be served if required by law or court rule. The Attorney General must be served in the specific proceedings enumerated in subrule (C) when the decedent is not survived by any known heirs, or the protected person has no known presumptive heirs.
- (2) A foreign consul must be served if required by MCL 700.1401(4) or court rule. An attorney who has filed an appearance for a foreign consul must be served when required by subrule (A)(5).
- (3) On a petition for the appointment of a guardian or conservator of a person on whose account benefits are payable by the Veterans' Administration, the Administrator of Veterans' Affairs must be served through the administrator's Michigan district counsel.
- (4) A guardian, conservator, or guardian ad litem of a person must be served with notice of proceedings as to which the represented person is an interested person, except as provided by MCR 5.105(D)(1).
- (5) An attorney who has filed an appearance must be served notice of proceedings concerning which the attorney's client is an interested person.
- (6) A special fiduciary appointed under MCL 700.1309.
- (7) A person who filed a demand for notice under MCL 700.3205 or a request for notice under MCL 700.5104 if the demand or request has not been withdrawn, expired, or terminated by court order.

(B) Special Conditions for Interested Persons.

- (1) Claimant. Only a claimant who files a claim with the court, with a personal representative, or with a trustee of a trust required to give notice to creditors pursuant to MCL 700.7504, and whose claim remains undetermined or unpaid need be notified of specific proceedings under subrule (C).
- (2) Devisee. Only a devisee whose devise remains unsatisfied need be notified of specific proceedings under subrule (C).
- (3) Trust as Devisee. If either a trust or a trustee is a devisee, the trustee is the interested person. If no trustee has qualified, the interested persons are the current trust beneficiaries and the nominated trustee, if any.
- (4) Father of a Child Born out of Wedlock. Except as otherwise provided by law, the natural father of a child born out of wedlock need not be served notice of proceedings in which the child's parents are interested persons unless his paternity has been determined in a manner provided by law.

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(C) Specific Proceedings. Subject to subrules (A) and (B) and MCR 5.105(E), the following provisions apply. When a single petition requests multiple forms of relief, the petitioner must give notice to all persons interested in each type of relief:

- (1) The persons interested in an application or a petition to probate a will are the:
 - (a) devisees,
 - (b) nominated trustee and current trust beneficiaries of a trust under the will,
 - (c) heirs,
 - (d) nominated personal representative, and
 - (e) trustee of a revocable trust described in MCL 700.7501(1).

- (2) The persons interested in an application or a petition to appoint a personal representative, other than a special personal representative, of an intestate estate are the
 - (a) heirs,
 - (b) nominated personal representative, and
 - (c) trustee of a revocable trust described in MCL 700.7501(1).

- (3) The persons interested in a petition to determine the heirs of a decedent are the heirs.

- (4) The persons interested in a petition of surety for discharge from further liability are the
 - (a) principal on the bond,
 - (b) co-surety,
 - (c) devisees of a testate estate,
 - (d) heirs of an intestate estate,
 - (e) protected person and presumptive heirs of the protected person in a conservatorship, and
 - (f) claimants.

- (5) The persons interested in a proceeding for spouse's allowance are the
 - (a) devisees of a testate estate,
 - (b) heirs of an intestate estate,
 - (c) claimants,
 - (d) spouse, and
 - (e) the personal representative, if the spouse is not the personal representative.

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- (6) The persons interested in a proceeding for examination of an account of a fiduciary are the
 - (a) devisees of a testate estate, and if one of the devisees is a trustee or a trust, the persons referred to in MCR 5.125(B)(3),
 - (b) heirs of an intestate estate,
 - (c) protected person and presumptive heirs of the protected person in a conservatorship,
 - (d) claimants,
 - (e) current trust beneficiaries in a trust accounting, and
 - (f) such other persons whose interests would be adversely affected by the relief requested, including insurers and sureties who might be subject to financial obligations as the result of the approval of the account.

- (7) The persons interested in a proceeding for partial distribution of the estate of a decedent are the
 - (a) devisees of a testate estate entitled to share in the residue,
 - (b) heirs of an intestate estate,
 - (c) claimants, and
 - (d) any other person whose unsatisfied interests in the estate may be affected by such assignment.

- (8) The persons interested in a petition for an order of complete estate settlement under MCL 700.3952 or a petition for discharge under MCR 5.311(B)(3) are the
 - (a) devisees of a testate estate,
 - (b) heirs unless there has been an adjudication that decedent died testate,
 - (c) claimants, and
 - (d) such other persons whose interests are affected by the relief requested.

- (9) The persons interested in a proceeding for an estate settlement order pursuant to MCL 700.3953 are the
 - (a) personal representative,
 - (b) devisees,
 - (c) claimants, and
 - (d) such other persons whose interests are affected by the relief requested.

- (10) The persons interested in a proceeding for assignment and distribution of the share of an absent apparent heir or devisee in the estate of a decedent are the
 - (a) devisees of the will of the decedent,
 - (b) heirs of the decedent if the decedent did not leave a will,
 - (c) devisees of the will of the absent person, and
 - (d) presumptive heirs of the absent person.

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- (11) The persons interested in a petition for supervised administration after an estate has been commenced are the
 - (a) devisees, unless the court has previously found decedent died intestate,
 - (b) heirs, unless the court has previously found decedent died testate,
 - (c) personal representative, and
 - (d) claimants.
- (12) The persons interested in an independent request for adjudication under MCL 700.3415 and a petition for an interim order under MCL 700.3505 are the
 - (a) personal representative, and
 - (b) other persons who will be affected by the adjudication.
- (13) The persons interested in a petition for settlement of a wrongful-death action or distribution of wrongful-death proceeds are the
 - (a) heirs of the decedent,
 - (b) other persons who may be entitled to distribution of wrongful-death proceeds,
 - (c) claimants whose interests are affected.
- (14) The persons interested in a will contest settlement proceeding are the
 - (a) heirs of the decedent and
 - (b) devisees affected by settlement.
- (15) The persons interested in a partition proceeding where the property has not been assigned to a trust under the will are the
 - (a) heirs in an intestate estate or
 - (b) devisees affected by partition.
- (16) The persons interested in a partition proceeding where the property has been assigned to a trust under the will are the
 - (a) trustee and
 - (b) beneficiaries affected by the partition.
- (17) The persons interested in a petition to establish the cause and date of death in an accident or disaster case under MCL 700.1208 are the heirs of the presumed decedent.

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- (18) The persons interested in a proceeding under the Mental Health Code that may result in an individual receiving involuntary mental health treatment or judicial admission of an individual with a developmental disability to a center are the
- (a) individual,
 - (b) individual's attorney,
 - (c) petitioner,
 - (d) prosecuting attorney or petitioner's attorney,
 - (e) director of any hospital or center to which the individual has been admitted,
 - (f) the individual's spouse, if the spouse's whereabouts are known,
 - (g) the individual's guardian, if any,
 - (h) in a proceeding for judicial admission to a center, the community mental health program, and
 - (i) such other relatives or persons as the court may determine.
- (19) The persons interested in a petition for appointment of a guardian for a minor are
- (a) the minor, if 14 years of age or older;
 - (b) if known by the petitioner, each person who had the principal care and custody of the minor during the 63 days preceding the filing of the petition;
 - (c) the parents of the minor or, if neither of them is living, any grandparents and the adult presumptive heirs of the minor, and
 - (d) the nominated guardian.
- (20) The persons interested in the acceptance of parental appointment of the guardian of a minor under MCL 700.5202 are
- (a) the minor, if 14 years of age or older,
 - (b) the person having the minor's care, and
 - (c) each grandparent and the adult presumptive heirs of the minor.
- (21) The persons interested in a 7-day notice of acceptance of appointment as guardian of an incapacitated individual under MCL 700.5301 are the
- (a) incapacitated individual,
 - (b) person having the care of the incapacitated individual, and
 - (c) presumptive heirs of the incapacitated individual.
- (22) The persons interested in a petition for appointment of a guardian of an alleged incapacitated individual are
- (a) the alleged incapacitated individual,
 - (b) if known, a person named as attorney in fact under a durable power of attorney,
 - (c) the alleged incapacitated individual's spouse,
 - (d) the alleged incapacitated individual's children or, if no adult child is living, the individual's parents,
 - (e) if no spouse, child, or parent is living, the presumptive heirs of the individual,
 - (f) the person who has the care and custody of the alleged incapacitated individual,
 - (g) the nominated guardian.

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- (23) The persons interested in receiving a copy of the report of a guardian of a legally incapacitated individual on the condition of a ward are:
- (a) the ward,
 - (b) the person who has principal care and custody of the ward, and
 - (c) the spouse and adult children or, if no adult children are living, the presumptive heirs of the individual.
- (24) The persons interested in a petition for the appointment of a conservator or for a protective order are
- (a) the individual to be protected if 14 years of age or older,
 - (b) the presumptive heirs of the individual to be protected,
 - (c) if known, a person named as attorney in fact under a durable power of attorney,
 - (d) the nominated conservator, and
 - (e) a governmental agency paying benefits to the individual to be protected or before which an application for benefits is pending.
- (25) The persons interested in a petition for the modification or termination of a guardianship or conservatorship or for the removal of a guardian or a conservator are
- (a) those interested in a petition for appointment under subrule (C)(19), (21), (22), or (23) as the case may be, and
 - (b) the guardian or conservator.
- (26) The persons interested in a petition by a conservator for instructions or approval of sale of real estate or other asset are
- (a) the protected individual and
 - (b) those persons listed in subrule (C)(23) who will be affected by the instructions or order.
- (27) The persons interested in receiving a copy of an inventory or account of a conservator or of a guardian are:
- (a) the protected individual or ward, if 14 years of age or older and can be located,
 - (b) the presumptive heirs of the protected individual or ward and
 - (c) claimants.
- (28) The persons interested in a petition for approval of a trust under MCR 2.420 are
- (a) the protected individual if 14 years of age or older,
 - (b) the presumptive heirs of the protected individual,
 - (c) if there is no conservator, a person named as attorney in fact under a durable power of attorney,
 - (d) the nominated trustee, and
 - (e) a governmental agency paying benefits to the individual to be protected or before which an application for benefits is pending.

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- (29) The persons interested in a petition for emancipation of a minor are
- (a) the minor,
 - (b) parents of the minor,
 - (c) the affiant on an affidavit supporting emancipation, and
 - (d) any guardian or conservator.
- (30) Interested persons for any proceeding concerning a durable power of attorney for health care are
- (a) the patient,
 - (b) the patient's advocate,
 - (c) the patient's spouse,
 - (d) the patient's adult children,
 - (e) the patient's parents if the patient has no adult children,
 - (f) if the patient has no spouse, adult children, or parents, the patient's minor children, or, if there are none, the presumptive heirs whose addresses are known,
 - (g) the patient's guardian and conservator, if any, and
 - (h) the patient's guardian ad litem.
- (31) Persons interested in a proceeding to require, hear, or settle an accounting of an agent under a power of attorney are
- (a) the principal,
 - (b) the attorney in fact or agent,
 - (c) any fiduciary of the principal,
 - (d) the principal's guardian ad litem or attorney, if any, and
 - (e) the principal's presumptive heirs.

(D) The court shall make a specific determination of the interested persons if they are not defined by statute or court rule.

(E) In the interest of justice, the court may require additional persons be served.