

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

700.1303 Concurrent jurisdiction; removal; purpose and policy.

Sec. 1303.

(1) In addition to the jurisdiction conferred by section 1302 and other laws, the court has concurrent legal and equitable jurisdiction to do all of the following in regard to an estate of a decedent, protected individual, ward, or trust:

- (a) Determine a property right or interest.
- (b) Authorize partition of property.
- (c) Authorize or compel specific performance of a contract in a joint or mutual will or of a contract to leave property by will.
- (d) Ascertain if individuals have survived as provided in this act.
- (e) Determine cy pres or a gift, grant, bequest, or devise in trust or otherwise as provided in 1915 PA 280, MCL 554.351 to 554.353.
- (f) Hear and decide an action or proceeding against a distributee of a fiduciary of the estate to enforce liability that arises because the estate was liable upon some claim or demand before distribution of the estate.
- (g) Impose a constructive trust.
- (h) Hear and decide a claim by or against a fiduciary or trustee for the return of property.
- (i) Hear and decide a contract proceeding or action by or against an estate, trust, or ward.
- (j) Require, hear, or settle an accounting of an agent under a power of attorney.

(2) If the probate court has concurrent jurisdiction of an action or proceeding that is pending in another court, on the motion of a party to the action or proceeding and after a finding and order on the jurisdictional issue, the other court may order removal of the action or proceeding to the probate court. If the action or proceeding is removed to the probate court, the other court shall forward to the probate court the original of all papers in the action or proceeding. After that transfer, the other court shall not hear the action or proceeding.

(3) The underlying purpose and policy of this section is to simplify the disposition of an action or proceeding involving a decedent's, a protected individual's, a ward's, or a trust estate by consolidating the probate and other related actions or proceedings in the probate court.

History: 1998, Act 386, Eff. Apr. 1, 2000 ;-- Am. 2000, Act 54, Eff. Apr. 1, 2000 ;-- Am. 2016, Act 287, Eff. Dec. 26, 2016 ;-- Am. 2016, Act 490, Eff. Apr. 6, 2017

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