

# OAKLAND COUNTY PROBATE COURT

1200 N. TELEGRAPH RD. , DEPT 457  
PONTIAC, MI 48341-0457

Telephone (248) 858-0260

Fax (248) 452-2016

Business hours: 8:00 a.m. to 4:30 p.m. Monday - Friday

## INFORMATION SHEET FOR PETITIONS

**This will provide general information regarding a petition that is filed and set for hearing before the court.**

Once you file a Petition, many steps must be completed before the court hearing. Please study this information sheet carefully for guidance on what needs to be done after you leave the Courthouse today. **The Probate Court staff will assist you if you have further questions about procedures, however, staff is prohibited from offering legal advice.**

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### SERVICE

THERE ARE 3 METHODS OF SERVICES. IT IS YOUR RESPONSIBILITY TO "SERVE" ALL INTERESTED PERSONS WITH A COPY OF THE *PETITION* AND *NOTICE OF HEARING*. IF YOU DO NOT COMPLETE SERVICE, YOUR PETITION WILL BE DISMISSED, AND YOU WILL HAVE TO START THE PROCESS ALL OVER BY FILING A NEW PETITION. A NEW FILING FEE WOULD BE REQUIRED.

**Personal Service** means delivering copies to the individual in person.

**Service by Mail** means mailing copies (only first class mail is required).

**Publication** Means publishing notice in a legal newspaper because an interested individual's address or whereabouts are unknown. The fee (\$78.30) is paid when the petition is filed.

In general interested individual's must be served:

- At least 14 days prior to the hearing if service is by mail or publication.
- At least 7 days prior to the hearing if served personally.

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### VETERANS ADMIN.

If Veterans Administration (VA) benefits are payable to the alleged legally incapacitated individual and/or alleged protected individual, the VA is a party of interest.

### ATTORNEY GENERAL

If there are no presumptive heirs, the Attorney General (AG) is a party of interest.

When the VA or AG are parties of interest on your petition, they must be served, either personally or by mail at:

**VETERANS ADMINISTRATION**  
PATRICK V. McNAMARA BLDG.  
477 MICHIGAN AVENUE  
DETROIT, MI 48226

**ATTORNEY GENERAL**  
ATTN: STATE PUBLIC ADMINISTRATOR  
3030 W. GRAND BLVD., SUITE 10-200  
DETROIT, MI 48202

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- Please see other side for other important information.

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**PROOF OF SERVICE/  
WAIVER &  
CONSENT**

You, the Petitioner, must file a *Proof of Service* form with the court on or before the day of the hearing or your Petition will be dismissed. It must show when and how the interested persons were served. Note the separate sections for "Service by Mail" and "Personal Service" and use them accordingly. Your Petition will be dismissed unless the interested persons have either been served, or have signed a *"Waiver and Consent."*

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**HEARING  
DATE**

Your Petition will probably be set for hearing on the assigned judge's "motion day". Your Notice of hearing form displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed.

Check the docket sheets that are posted near the Probate Counter. If your case is highlighted in yellow, proceed to the courtroom and check in with the Judge's clerk. If the clerk is not in the courtroom, sign your name on the clipboard at the front of the courtroom. If your case is not highlighted in yellow, check in at the Probate Counter.

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**AFTER THE  
HEARING**

Please be sure to bring the file back to the Probate Counter after the court hearing to complete any follow-up paperwork.

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**NOTE:** These instructions are not meant to be all-inclusive, but rather to provide general information. For those petitions that are contested or complex, it is recommended that you consult with an attorney for guidance.

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