

Court of Appeals, State of Michigan

ORDER

In the Matter of Wanda Maroun

Docket No. 332929

LC No. 2006-178124-CA

David H. Sawyer
Presiding Judge

William B. Murphy

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for delayed appeal, the Court VACATES the aspect of the probate court's November 12, 2015 order that approved the second account regarding the conservatorship, and specifically the aspect that allowed the 24 expenditures on Schedule B for the conservatorship account. Under the plain language of MCR 5.310(C)(2)(c) and (d), as applied through MCR 5.409(B)(5), the appellant had a "right to review proofs of income and disbursements at a time reasonably convenient to the personal representative and the interested person," by simple request. Therefore, the probate court erred in not ordering the conservator to grant the appellant's request to review the bank statements and check registers on the ground that she had not subpoenaed them. We REMAND for further proceedings in which appellant shall be given a reasonable time to review the proofs of the disbursements listed on Schedule B, and to make any objections. The probate court shall then consider and rule on those objections, if any, before making a new determination on whether to allow the second account for the conservatorship. In all other respects, the application for delayed appeal is DENIED for lack of merit in the grounds presented. We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

NOV - 3 2016

Date

Chief Clerk