

Court of Appeals, State of Michigan

ORDER

In re Soltis Trust

Docket No. 338373

LC No. 2017-375159-TV

Henry William Saad
Presiding Judge

Deborah A. Servitto

Elizabeth L. Gleicher
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED WITHOUT PREJUDICE to allowing appellees' to raise the issue of whether the April 24, 2017, order is a final order in front of the case call panel.

With regard to appellees' claim that this appeal has not been pursued in conformity with the rules because appellant failed to produce transcripts of *all* proceedings below, this claim is without merit. MCR 7.210(B)(1)(b) provides that "[i]n an appeal from probate court in an estate or trust proceeding, only that portion of the transcript concerning the order appealed from need be filed. The appellee may file additional portions of the transcript." Appellant properly ordered the transcript of the March 28, 2017, proceedings and provided a copy of the transcript to appellees. In their motion to dismiss, appellees do not dispute that the March 28, 2017, hearing resulted in the issuance of the order on appeal. Appellees may order the March 15, 2017 and April 17, 2017 transcripts but appellant is not required to do so. MCR 7.210(B)(1)(b).



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

JUN 21 2017

Date


Chief Clerk