

Court of Appeals, State of Michigan

ORDER

In re Geraldine M Benjamin Trust

Docket No. 345632

LC No. 17-015903-DE

Amy Ronayne Krause
Presiding Judge

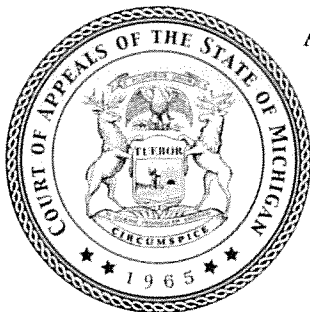
Michael F. Gadola

Brock A. Swartzle
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The Court orders that appellants' motion to modify order for stay and bond is GRANTED. We amend the stay provided for by the trial court so that the stay pending appeal remains in effect but without any requirement for appellants to post a bond. Defendant-Appellants have already been granted a stay of proceedings by the trial court. Plaintiff-Appellee has filed no response to Defendant-Appellants' current motion to waive the bond requirement in this court, therefore it is unrebutted as stated in the motion to waive bond: "Plaintiff-trustee will suffer no prejudice given that a lien upon Defendants' property remains in place to Plaintiff-trustee's benefit. The value of that property having been determined by the December 3, 2019 DeRoso broker evaluation to be \$500,000; an amount well in excess of the judgment." (Pg. 7, para. 16, of Defendant-Appellants' motion to modify order for stay and bond.) Under these unique circumstances, it is an abuse of discretion to require a bond.

Gadola, J., would deny the motion to modify order for stay and bond.



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

DEC 20 2019

Date


Chief Clerk