

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of LOUIS J. SABA, Deceased.

JOHN P. O'HARA, JR.,

Petitioner-Appellant,

v

ANTHONY J. SABA, Personal Representative for the
Estate of LOUIS J. SABA, Deceased,

Respondent-Appellee.

UNPUBLISHED

September 17, 1996

No. 176639

LC No. 90-202449

Before: Marilyn Kelly, P.J., and Wahls and M.R. Knoblock,* JJ.

PER CURIAM.

Petitioner appeals as of right the probate court's order denying his request for attorney fees for services rendered to Louis Saba prior to Saba's death and for services rendered to Saba's Estate after his death. We affirm.

Petitioner acknowledged that he had received \$7,900 in payment for his legal services. Petitioner sought payment of an additional \$15,219 from Saba's Estate. However, the bulk of Saba's assets had been placed into a trust prior to his death. Petitioner had created the trust for Saba, and was thus aware of it and its terms. Because the estate's assets were not sufficient to pay the fees, petitioner sought payment from Saba's trust. Anthony Saba (Anthony), the son of Saba, challenged these additional fees because they were based on unnecessary work which did not benefit the Estate.

Petitioner argues that he rendered necessary legal services to the Estate prior to Saba's death. We disagree. Petitioner cites no authority whatsoever in support of his position. Accordingly, this issue is abandoned. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984); *Vugterveen Systems, Inc v Olde Millpond Corp*, 210 Mich App 34, 46-47; 533 NW2d 320 (1995).

* Circuit judge, sitting on the Court of Appeals by assignment.

In any case, an attorney is entitled to receive reasonable compensation for necessary legal services he performs on behalf of the estate, in an amount approved by the court. MCL 700.541; MSA 27.5541; MCR 8.303; *In re Krueger Estate*, 176 Mich App 241, 248; 438 NW2d 898 (1989). Here, a straightforward assertion of the trust would have terminated John Saba's petition to be conservator of the Estate. In addition, the sole asset which was not poured into the trust was a \$700 Cadillac. It makes no sense to exert \$11,000 worth of legal effort on behalf of an Estate valued at \$700. Finally, the services were performed on behalf of the Estate, and not the trust.

Petitioner argues that he rendered necessary legal services to Anthony as an independent personal representative following Saba's death. However, petitioner has abandoned this issue by failing to cite to any legal authority in support of his position. *Goolsby*, *supra*, p 655 n 1; *Vugterveen Systems*, *supra*, pp 46-47. In addition, it is unnecessary for this Court to review an issue on which no ruling was made. *Vugterveen Systems*, *supra*, p 38. In any case, this argument would fail for the same latter two reasons as discussed above.

Petitioner states that over \$15,000 should have been allowed as a debt of Saba's estate. However, petitioner has presented no argument whatsoever on this issue. Accordingly, this issue is abandoned. *Goolsby*, *supra*, p 655 n 1; *Vugterveen Systems*, *supra*, pp 46-47.

Finally, because the legal work which generated the subject fees was unnecessary, the requested fees do not constitute legitimate "debts." See MCL 700.543; MSA 27.5543; *In re Humphrey Estate*, 141 Mich App 412, 441; 367 NW2d 873 (1985). Accordingly, the question of whether the debts of the Estate should be paid by the trust is not logically reached.

Affirmed.

/s/ Marilyn Kelly
/s/ Myron H. Wahls
/s/ M. Richard Knoblock