

STATE OF MICHIGAN  
COURT OF APPEALS

---

STATE TREASURER,  
Plaintiff-Appellee,

UNPUBLISHED  
July 9, 2002

v

No. 227689  
Wayne Circuit Court  
LC No. 98-822086-CZ

DENNIS GUY ERDMAN,  
Defendant-Appellant,

and

DANIEL GIG ERDMAN,  
Intervening Defendant-Appellant,

and

FIRST FEDERAL OF MICHIGAN and  
GILBERT ERDMAN,

Defendants.

---

Before: White, P.J., and Murphy and Fitzgerald, JJ.

MURPHY, J. (*dissenting*).

I respectfully dissent. It is uncontested that the SCFRA is not intended to take the assets of family members. The express provisions of the statute allow the state to seek reimbursement only from the prisoner's assets. MCL 800.401a(a); MCL 800.404(1). The issue here is whether the specific bank accounts were assets of defendant.

Defendant acknowledged that the accounts in question were held jointly and severally by defendant and his father. Defendant had the right of survivorship when the accounts were established. Any alleged change of heart subsequently by defendant's father did not change the legal status of ownership of these accounts. I am unaware of any law that would change the legal status of these accounts simply because the accounts were frozen by the circuit court order.

Here, Daniel Erdman could not acquire the accounts through probate because the accounts, having been established as joint accounts with defendant and his father, passed to

defendant upon his father's death. *In re Pitre*, 202 Mich App 241; 508 NW2d 140 (1993). The trial court did not err in finding that the three joint accounts were assets of defendant and were subject to the SCFRA. I would affirm because I see no genuine issue of material fact presented that could change the ownership of the accounts.

/s/ William B. Murphy