

# Order

Michigan Supreme Court  
Lansing, Michigan

September 29, 2017

Stephen J. Markman,  
Chief Justice

153980-1

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen  
Kurtis T. Wilder,  
Justices

---

*In re* Estate of JAMES ERWIN, SR.

---

BEATRICE KING, Individually and as Personal  
Representative for the Estate of JAMES ERWIN,  
SR.,

Appellant,

v

JACQUELINE E. NASH, BILLY J. ERWIN,  
DEMARKIUS ERWIN, MAGGIE ERWIN, and  
STACY ERWIN OAKES,  
Appellees.

SC: 153980  
COA: 323387  
Saginaw PC: 13-130558-DE

---

*In re* Estate of JAMES ERWIN, SR.

---

BEATRICE KING,  
Appellant,

v

JACQUELINE E. NASH, BILLY J. ERWIN,  
DEMARKIUS ERWIN, MAGGIE ERWIN,  
STACY ERWIN OAKES, and DOUGLAS  
TAYLOR,  
Appellees.

SC: 153981  
COA: 329264  
Saginaw PC: 13-130558-DE

---

On order of the Court, the application for leave to appeal the May 10, 2016 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the “willfully absent” provision in MCL 700.2801(2)(e)(i) is defined exclusively by physical separation, or whether it includes consideration of the emotional bonds and connections between spouses, compare *In re Estate of Erwin*, unpublished opinion per curiam of the Court of Appeals, issued May 10, 2016 (Docket Nos. 323387, 329264), at 5, with *In re Peterson Estate*, 315 Mich App 423, 432 (2016); and (2) whether MCL 700.2801(2)(e)(i) requires proof that a spouse intends to abandon his or her marital rights, compare *Matter of Estate of Harris*, 151 Mich App 780, 786 (1986), with *In re Peterson Estate*, 315 Mich App at 433.

The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0926

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2017

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk