

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of COATS.

JOHN YUN, Personal Representative of the
ESTATE OF VERSA COATS,

Petitioner-Appellee,

v

DION JOHNSON,

Respondent-Appellant,

and

MONTE PORTER and SEAN JOHNSON,

Miscellaneous Intervenors.

UNPUBLISHED

July 20, 2017

No. 331995

Oakland Probate Court

LC No. 2015-362297-DA

Before: STEPHENS, P.J., and K. F. KELLY and MURRAY, JJ.

MURRAY, J. (*concurring*).

I concur in the majority opinion's interpretation of MCL 600.6023(1)(k), as these annuity proceeds are exempt under that statute. I also agree with the majority's interpretation of MCL 700.2110. I do have some concerns about applying equitable principals from two Michigan Supreme Court decisions, *Newlove v Callahan*, 86 Mich 297; 48 NW 1096 (1891) and *Long v Earle*, 277 Mich 505; 269 NW 577 (1936), to make the proceeds non-exempt, because it does not appear that those two cases applied these equitable principals to statutory exemptions. Typically, courts are not empowered to utilize equitable principals to carve out exceptions to statutory requirements. See, *Stokes v Millen Roofing Co*, 466 Mich 660, 671-672; 649 NW2d 371 (2002). But because plaintiff has not raised this argument and nor are there any cases on point regarding application of these equitable principals to this statutory exemption, this is not the appropriate case to fully address this important issue. Consequently, I concur in the majority

opinion.

/s/ Christopher M. Murray