

Order

Michigan Supreme Court
Lansing, Michigan

June 8, 2018

Stephen J. Markman,
Chief Justice

156670 & (87)(90)

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

In re RHEA BRODY LIVING TRUST,
dated January 17, 1978, as amended.

ROBERT BRODY,
Intervenor-Appellant,

v

CATHY B. DEUTCHMAN,
Petitioner-Appellee,

and

MICHAEL BARTON, Special Fiduciary,
Intervenor,

and

JAY BRODY,
Intervenor-Appellant.

SC: 156670
COA: 330871
Oakland Probate Court:
2015-361379-TV

On order of the Court, the motions to file a reply brief are GRANTED. The application for leave to appeal the September 12, 2017 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE Section II of the Court of Appeals opinion, and we REMAND this case to the Court of Appeals for reconsideration of its standing analysis. On remand, the Court of Appeals should consider whether the terms “child” and “beneficiary” in MCL 700.1105 are modified by the phrase “and any other person that has a property right in or claim against a trust estate.” If so, then the Court of Appeals shall consider whether Cathy Deutchman is an “interested person” under this reading of the statute. The Court of Appeals may also consider the arguments made in this Court by the Probate and Estate Planning Section of the State Bar of Michigan, including that Cathy Deutchman has standing in light of MCR 5.125(C)(33)(g) and MCL 700.7603(2) and is a present (not contingent) beneficiary of the trust. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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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.

June 8, 2018

Clerk