

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of SHIRLEY BERG, Deceased.

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MARILYN SILVERSTEIN,  
  
Petitioner-Appellant,

v

SUE THOMAS,  
  
Respondent-Appellee.

UNPUBLISHED  
August 29, 2006

No. 268584  
Oakland Probate Court  
Family Division  
LC No. 03-289560-DE

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Before: Saad, P.J., and Jansen and White, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I would remand to the probate court for a determination whether the will should be treated as if properly executed under MCL 700.2503. The probate court did not reach this issue. I agree with the majority's disposition of the remaining issues.<sup>1</sup>

/s/ Helene N. White

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<sup>1</sup> I do not agree that the issue whether the will was properly executed is not preserved. Although it was not included in the original statement of objections, the claim was argued to, and, rejected by, the probate court.