

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GERARD JOSEPH
DEBUSSCHERE AMENDED TRUST.

DANA MAURINE CARADONNA,

Petitioner-Appellee,

v

ANDRE DEBUSSCHERE,

Respondent-Appellant.

UNPUBLISHED
October 20, 2009

No. 287634
Macomb Probate Court
LC No. 2008-193324-TV

Before: Fort Hood, P.J., and Sawyer and Donofrio, JJ.

PER CURIAM.

Respondent Andre DeBusschere (“DeBusschere”) appeals as of right from a probate court order that set aside a previous order appointing Andre DeBusschere, P.C., as successor trustee and ordered River Place Trust to serve as Successor Corporate Trustee of the Gerard Joseph DeBusschere Trust for the Benefit of Andre DeBusschere (“the Special Trust”). Because DeBusschere has not demonstrated that petitioner Dana Maurine Caradonna lacked standing to file the petition, he is not entitled to relief, and we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

The parties are beneficiaries of the Gerard Joseph DeBusschere Trust (“the General Trust”). Petitioner Dana Caradonna (“Caradonna”) is the Successor Trustee for the General Trust. The Trust Agreement provided that, on the death of the settlor, DeBusschere’s share of the trust assets were to be placed in a trust, the Special Trust, for his benefit. The named trustee for the Special Trust resigned, and a successor named by the court refused to accept the appointment. DeBusschere obtained an ex parte order to have Andre DeBusschere, P.C., named as the Successor Trustee for the Special Trust. Caradonna then filed an emergency petition to have the appointment set aside. The court set aside the order appointing Andre DeBusschere, P.C. DeBusschere now argues that Caradonna did not have standing to bring the emergency petition that resulted in the challenged order.

The determination whether a party has standing is a question of law subject to de novo review. *Manuel v Gill*, 481 Mich 637, 642-643; 753 NW2d 48 (2008). Standing generally requires that the party, individually or in a representative capacity, has “some real interest in a

cause of action or a legal or equitable right, title, or interest in the subject matter of the controversy.” *Bowie v Arder*, 441 Mich 23, 42-43; 490 NW2d 568 (1992) (citation omitted).

DeBusschere focuses his argument on the definitions of “interested person” or “interested trust beneficiary” in MCL 700.1105(c) and (d). The logic of DeBusschere’s argument is that only an “interested person” or “interested trust beneficiary” has standing, that Caradonna does not meet those definitions, and therefore, Caradonna does not have standing. However, his argument is not developed enough to be persuasive. He has failed to support the major premise of his statutory argument with legal authority. He assumes that these statutory definitions govern standing to bring a petition to set aside the appointment of a trustee, but he does not cite any authority for that position. The statute on which he relies indicates that the definitions are for the terms as they are used in the Estates and Protected Individuals Code (“EPIC”), MCL 700.1101 *et seq.* Yet, he does not identify any provision of EPIC concerning the parties that may file a petition to set aside an order appointing a trustee. “It is not sufficient for a party ‘simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position.’” *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998), quoting *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Moreover, the minor premise of his argument, that Caradonna did not meet the definition of interested person, is questionable because the definition states that the term “includes, but is not limited to” the persons specifically identified. DeBusschere also refers to MCR 2.201(B) and the “real party in interest rule,” but that argument is similarly undeveloped.

Although DeBusschere asserts that Caradonna lacked standing because she did not have any duties or right of action pertaining to the Special Trust, he does not address the arguments raised by Caradonna and adopted by the court regarding her interest in the controversy as the Successor Trustee and a beneficiary of the Gerard Joseph DeBusschere Trust. His failure to address the basis for the trial court’s decision should alone preclude appellate relief. *Roberts & Son Contracting, Inc v North Oakland Dev Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987) (appellate relief is precluded where the appellant fails to address the basis of the trial court’s decision). Because DeBusschere has not demonstrated that Caradonna lacked standing to file the petition, he is not entitled to relief.

Affirmed.

/s/ Karen M. Fort Hood
/s/ David H. Sawyer
/s/ Pat M. Donofrio