

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LYLA RAE ELROD-EDWARDS,
Minor.

REGIS ELROD,

Petitioner-Appellee,

v

ROLAND RAY EDWARDS, JR.,

Respondent-Appellant.

UNPUBLISHED

March 4, 2010

No. 295062

Cass Circuit Court

Family Division

LC No. 09-000054

Before: Servitto, P.J., and Bandstra and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right the circuit court order terminating his parental rights to the minor child upon respondent's release of those rights pursuant to MCL 710.29(7). We affirm.

The child's mother filed a petition seeking involuntary termination of respondent's parental rights under MCL 712A.19b(3). Pursuant to a settlement agreement, respondent voluntarily released his parental rights. It was stated on the record that as part of the settlement agreement, certain personal property belonging to respondent, then in the custody of petitioner's counsel, was to be shipped to respondent's mother at petitioner's expense. Following entry of the order terminating respondent's parental rights, the court entered a stipulated order for the return of respondent's personal property. The order provided, in pertinent part:

That the personal property belonging to the Respondent/Defendant, Roland Ray Edwards, Jr., currently in the possession of the Petitioner/Plaintiff's attorney, William J. Lawrence, shall be immediately returned by the Petitioner/Plaintiff, Regis Elrod, at her sole cost to his mother, Judith Briggs, whose address is 1707 Stetson Court, Lapine, OR 97739. That upon filing with the court proof of shipment by the Petitioner/Plaintiff, Regis Elrod, with this court as required under this order, said Petitioner/Plaintiff shall have no further obligation or responsibility relative to the above described personal property.

Respondent contends that petitioner failed to return his personal property as directed, and therefore, that the release he executed is void and should have been set aside. Because respondent did not file an appropriate petition to revoke his release in the trial court, see MCL

710.29(10); MCL 710.64(1), this issue has not been preserved for appeal. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001). Furthermore, limiting our review to plain error, *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007), aff'd 480 Mich 19 (2008), a review of the record fails to reveal any basis for granting appellate relief.

On October 24, 2009, respondent sent a letter to the trial court along with his request for court-appointed appellate counsel. In the letter, respondent complained that petitioner had not returned his tools and asked the court to “accept this request of appeal in this matter for further investigation,” but he did not request rehearing. On November 3, 2009, petitioner filed a proof of shipment, along with supporting documentation, showing that she had shipped a box of tools and a box of photographs and albums to respondent’s mother via UPS on October 16, 2009, and that the parcels had been delivered on October 22, 2009. Nothing in the record indicates that the boxes shipped to respondent’s mother did not contain the items subject to the settlement agreement, i.e., “a large wooden box” containing unspecified items and a “cardboard box with pictures and other miscellaneous items,” both of which were in the custody of petitioner’s attorney. Although respondent later wrote to the court asserting that he was also entitled to certain personal property in the custody of petitioner’s aunt, that property was not part of the settlement agreement placed on the record. Apart from respondent’s unsupported allegation regarding the return of his personal property, which is refuted by the record, respondent has not identified any cognizable basis for revoking his release of his parental rights. Accordingly, respondent has failed to establish any error entitling him to relief.

We affirm.

/s/ Deborah A. Servitto
/s/ Richard A. Bandstra
/s/ Karen M. Fort Hood