

# Order

Michigan Supreme Court  
Lansing, Michigan

September 25, 2013

147134

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

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In re Estate of STEFAN GRANITZ.

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PAVOL TKAC, Personal Representative of the  
Estate of STEFAN GRANITZ,  
Appellant,

v

SC: 147134  
COA: 309192  
Macomb PC: 2010-201035-DE

HELENA MIHALCIKOVA, LYNN M.  
MAISION, Successor Personal Representative of  
the Estate of STEFAN GRANITZ, JOZEF SEKAC,  
PAVOL SEKAC, ANNA SEKACOVA,  
RUZENA RUDLAJOVA, and MARTA  
POLLAKOVA,  
Appellees.

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On order of the Court, the application for leave to appeal the April 9, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals, and we VACATE the February 29, 2012 order of the Macomb Probate Court to the extent that it disallows the payment of \$18,471.55 to the appellant Pavol Tkac and surcharges the appellant for that amount. We REMAND this case to the probate court for further proceedings consistent with this order. The lower courts erroneously applied MCR 5.307(D) and had no justification for disregarding the October 6, 2010 order allowing the conservator's first and final account in Macomb Probate Court No. 2010-199942-CA. The payment by the appellant, when acting as personal representative of the decedent's estate, constituted a payment to the conservator, and did not constitute a payment of a claim by the personal representative that would be governed by MCR 5.307(D). 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.

We do not retain jurisdiction.



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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.

September 25, 2013

  
Clerk