

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of JENNIE BECKES, Deceased.

JOHN A. BECKES,

Petitioner-Appellee,

and

GERALD BECKES,

Appellee,

v

JAMES BECKES,

Respondent-Appellant.

UNPUBLISHED

March 22, 2002

No. 226221

Wayne Probate Court

LC No. 99-600551-IE

Before: Whitbeck, C.J., and Wilder and Zahra, JJ.

PER CURIAM.

Respondent appeals as of right from a default judgment, requiring escrowed proceeds from the sale of decedent's home to be divided in equal parts among decedent's three sons. We affirm.

Respondent's initial argument that the default judgment was erroneously entered because petitioners sought judgment in a case (LC No. 99-600551-IE) that did not exist, lacks merit. The lower court docket sheet lists the case number as 99-600551.¹ Further, we reject respondent's general statement within his brief on appeal that the non-existence of LC No. 99-600551-IE resulted in a violation of his right to a jury trial.

Respondent also argues that the trial court did not abide by the terms of decedent's will and trust when it ordered distribution of proceeds to petitioners. Respondent had not cited any

¹ Documents filed by both parties in the lower court utilized case numbers 99-600551-IE and 99-600551-TI.

legal authority to support this argument and we decline to address this issue. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984); *Silver Creek Twp v Corso*, 246 Mich App 94, 99; 631 NW2d 346 (2001). An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998).²

Respondent next argues that the trial court erred in ordering distribution of proceeds to petitioners because there were no assets in decedent's estate to probate. We note that the proceeds from the sale of decedent's home were not probated. The proceeds were distributed to petitioners by way of the default judgment, which was ultimately entered as the result of respondent's failure to comply with discovery. A trial court has broad discretion in regard to entry of sanctions for discovery abuses. MCR 2.313(B); see *Zaiter v Riverfront Complex, Ltd*, 463 Mich 544, 552; 620 NW2d 646 (2001).³

We further reject respondent's suggestion that the default judgment was improperly entered because the case was not set for trial.⁴ Respondent has not cited any legal authority to support this issue or provided argument in support. *Wilson, supra*; *Goolsby, supra*; *Silver Creek, supra*. Moreover, a default judgment may properly be entered as a discovery sanction. MCR 2.313.

Last, respondent argues that petitioners' attorney's removal of escrowed proceeds violated MCR 2.614(A)(1). Respondent did not raise this issue below where it could have been properly addressed by the trial court. Therefore, this issue was not preserved for appeal and we refuse to address the issue. *Booth Newspapers, Inc v Union of Michigan Bd of Regents*, 444 Mich 211, 234; 507 NW2d 422 (1993); *Fast Air, Inc v Knight*, 235 Mich App 541, 549; 599 NW2d 489 (1999).

Affirmed.

/s/ William C. Whitbeck
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra

² We recognize that respondent filed an in pro per brief with this Court. However, whether a brief is filed in pro per or with the aid of an attorney, in order for an appeal to be properly presented to this Court, the appellant must argue the merit of the issues identified and cite supporting authority for his argument. See *Goolsby, supra*, *Silver Creek, supra*, and *Check Reporting Services, Inc v Michigan National Bank-Lansing*, 191 Mich App 614, 628; 478 NW2d 893 (1991).

³ Respondent does not specifically challenge the merits of the trial court's decisions to enter the default or default judgment. See *Wilson, supra*.

⁴ Respondent's fourth issue on appeal states: "Was this case every [sic] set for trial?" Respondent's entire argument in connection with that issue provides: "How can a default judgment be made when there was no trial date set?"