

Order

Michigan Supreme Court
Lansing, Michigan

May 16, 2018

Stephen J. Markman,
Chief Justice

156689

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

In re CONSERVATORSHIP OF RHEA BRODY.

MARY LYNEIS, as Conservator for RHEA
BRODY,

Appellee,

v

SC: 156689
COA: 332994
Oakland Probate Court:
2015-367333-CA

ROBERT D. BRODY,
Appellant,

and

JAY BRODY,
Interested Party,

and

GERALD BRODY and CATHY B.
DEUTCHMAN,
Interested Parties-Appellees.

On order of the Court, the application for leave to appeal the September 19, 2017 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

We further note that the briefs filed by the parties and the amicus discuss three sentences that were included in the Court of Appeals September 19, 2017 slip opinion but are not included in the advance sheets version of the opinion, which was released after the parties and amicus filed their briefs in this Court. The slip opinion stated: "As Rhea's husband, Robert was an individual entitled to priority consideration. However, Robert was not entitled to consideration unless the probate court considered an independent fiduciary and found him or her unsuitable. Lyneis, as trustee and independent fiduciary, had statutory priority over Robert, despite Robert's marriage to Rhea. MCL 700.5409(1)." These sentences are omitted from the advance sheets version of the Court of Appeals opinion, and are therefore not part of that court's final published opinion.



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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.

May 16, 2018

Clerk