

STATE OF MICHIGAN
COURT OF APPEALS

CAROLYN WORTHY and ALETHIA WORTHY,

Plaintiffs-Appellants,

v

CITY OF DETROIT and DETROIT POLICE &
FIREMAN'S, RETIREMENT SYSTEM,

Defendants,

and

MARY WORTHY,

Intervening Defendant-Appellee.

UNPUBLISHED

June 24, 1997

No. 194021

Wayne Circuit Court

LC No. 94-430238 CZ

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of intervening defendant Mary Worthy concerning rights to the pension contributions of the late Willie Worthy. This case is being decided without oral argument pursuant to MCR 7.214(E).

With respect to the claim that decedent misunderstood the effect of the nomination of beneficiary form he executed on September 7, 1988, which named Alethia Worthy as beneficiary only with respect to a contingency which never occurred, summary disposition was properly granted. The stability of written instruments demands that a person who executes one shall know the contents or be chargeable with such knowledge. *Sponseller v Kimball*, 246 Mich 255, 260; 224 NW 359 (1929); *Scholz v Montgomery Ward & Co*, 437 Mich 83, 92; 468 NW2d 845 (1991).

The alternate claim, that an agreement existed between Carolyn Worthy and Willie Worthy in conjunction with then pending divorce proceedings regarding this matter, is also without merit. First, the divorce proceedings automatically abated upon Willie Worthy's death. *Wilson v Wilson*, 73 Mich 620;

41 NW 817 (1889). Second, such agreements do not become effectual in any event until incorporated into an actual divorce decree. *Goldstein v Kern*, 82 Mich App 723, 726 n 1; 267 NW2d 165 (1978).

Therefore, the circuit court correctly determined that the beneficiary designation form executed by Willie Worthy in 1975, naming Mary Worthy as beneficiary, remains effectual as against any claim of the plaintiffs.

Affirmed.

/s/ Hilda R. Gage
/s/ Maureen P. Reilly
/s/ Joel P. Hoekstra