

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of the Estate of NEIL H.  
BRADY, Deceased.

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WILLARD L. MIKESELL,

Appellant,

v

GORDON F. FUHR, as Personal Representative of  
the Estate of NEIL H. BRADY, Deceased,  
ROBERT BRADY, WILLIAM BRADY,  
JANICE WALLACE, and JOSEPH BRADY,

Appellees.

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UNPUBLISHED

April 20, 1999

No. 209470

Barry Probate Court

LC No. 94-021541 SE

Before: O'Connell, P.J. and Jansen and Collins, JJ.

MEMORANDUM.

Appellant Willard L. Mikesell, former counsel for the personal representative of the estate of Neil H. Brady, appeals as by right from the probate court's order allowing final account and assigning residue, challenging the probate court's refusal to enforce appellant's claimed lien for attorney fees against appellee William Brady's distributive share of the residue of the estate. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In general, the decision whether to impose an attorney's lien rests within the discretion of the trial court, and such decisions are reviewed by this Court for an abuse of discretion. *Reynolds v Polen*, 222 Mich App 20, 24; 564 NW2d 467 (1997). We are unpersuaded that there was any abuse of discretion by the probate court here. Although appellant correctly notes that an accepted mediation evaluation serves as a final adjudication of the claims mediated, appellant has failed to address the probate court's conclusion that the mediation evaluation only authoritatively resolved appellant's claims against the decedent's estate, not the individual liability of appellee William Brady. Compare *R N West Constr Co v Barra Corp of America, Inc*, 148 Mich App 115; 384 NW2d 96 (1986). Indeed, appellant has failed to cite any authority indicating that the probate court was authorized to adjudicate

and enforce his claims against appellee William Brady individually, including legal fees unrelated to the administration of the decedent's estate. It is not the role of this Court to search for authority to sustain or reject appellant's position. E.g., *Guardiola v Oakwood Hosp*, 200 Mich App 524, 536; 504 NW2d 701 (1993).

Affirmed.

/s/ Peter D. O'Connell

/s/ Kathleen Jansen

/s/ Jeffrey G. Collins