

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of the Estate of MARY LUCILLE
FOLK, Deceased.

HARRY FOLK, Personal Representative of
the Estate of MARY LUCILLE FOLK, Deceased,

UNPUBLISHED
July 27, 1999

Respondent-Appellant,

v

MARY ERICKSON,

No. 207747
Monroe Probate Court
LC No. 00006270 SE

Petitioner-Appellee.

Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,* JJ.

MEMORANDUM.

Appellant Harry Folk, Personal Representative of the Estate of Mary Lucille Folk, deceased, appeals as by right from the probate court's order declaring that a settlement agreement entered into by the beneficiaries named in the decedent's will, in guardianship proceedings prior to the date of the decedent's death, is enforceable by the probate court in determining the distribution of the decedent's estate. See MCR 5.801(B)(3)(d). We affirm.

On appeal, appellant argues that the probate court lacks authority to enforce the settlement agreement because the language of MCL 700.216(7); MSA 27.5216(7) does not contemplate agreements made prior to the death of the testator, and therefore the agreement may only be enforced by the circuit court. We disagree. Regardless of whether the language of MCL 700.216(7); MSA 27.5216(7) applied to agreements made before the decedent's death, the probate court has jurisdiction to enforce agreements between prospective heirs relative to the division of their expected inheritances in the context of proceedings to administer a decedent's estate. *In re Saier Estate*, 342 Mich 587; 70 NW2d 823 (1955); MCL 700.21; MSA 27.5021.

Affirmed.

* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ David H. Sawyer
/s/ Donald E. Holbrook, Jr.
/s/ William E. Collette