

STATE OF MICHIGAN
COURT OF APPEALS

In re Grace E. Tindall Educational Trust.

MICHAEL E. TINDALL,

Petitioner-Appellant,

v

GRACE E. TINDALL, a/k/a GRACE
CRACCHIOLO, LAURA G. TINDALL,
MICHAEL E. TINDALL JR., and DAVID A.
TINDALL,

Respondents-Appellees.

UNPUBLISHED

December 21, 2001

No. 224080

Wayne Probate Court

LC No. 90-852171

Before: White, P.J., and Talbot and E.R. Post*, JJ.

MEMORANDUM.

Petitioner appeals as of right from the probate court's order dismissing his petition to stay the enforcement of circuit court judgments entered in 1997 and to consolidate circuit court proceedings with the probate court proceedings. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The 1997 circuit court judgments were not void for lack of subject matter jurisdiction. The probate court did not have exclusive jurisdiction over the trust's circuit court action against petitioner. MCL 700.21; MCL 700.22(k). The 1996-1997 circuit court litigation raised and decided the identical issues presented in petitioner's action before the circuit court. Petitioner's subsequent action before the probate court was barred by the 1997 circuit court judgments under the doctrine of res judicata. *Pierson Sand and Gravel, Inc v Keeler Brass Co*, 460 Mich 372, 380; 596 NW2d 153 (1999); *Ozark v Kais*, 184 Mich App 302, 307; 457 NW2d 145 (1990).

Affirmed.

/s/ Helene N. White

/s/ Michael J. Talbot

/s/ Edward R. Post

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