

STATE OF MICHIGAN
COURT OF APPEALS

MARY G. McCORMICK,

Plaintiff/Counterdefendant-
Appellant,

v

ERIC A. BRAVERMAN, Personal Representative
of the Estate of EDWARD J. McCORMICK,
Deceased,

Defendant/Counterplaintiff-
Appellee.

UNPUBLISHED

May 24, 2002

No. 222415
Wayne Circuit Court
Family Division
LC No. 84-422014-DO

Before: Smolenski, P.J., and Neff and White, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I join in the majority's affirmance with respect to all issues except the award of attorney fees. The executor sought attorney fees in a post-trial motion, plaintiff objected on several grounds, including that each party should bear their own expense, that the fees covered other cases including the probate proceedings and a quiet title proceeding, and that the submission lacked the required specificity. The trial court granted the full attorney fee without comment, presumably because the court determined that the proceedings were necessitated by plaintiff's conduct. However, the erroneous removal to probate court, reversed by *McCormick II*, was done on the circuit court's own motion. Thus, it was not plaintiff's conduct that necessitated the duplicate proceedings. Further, the *McCormick II* panel awarded no costs or fees to either party. I would vacate the award of attorney fees and remand for reconsideration and a statement of reasons addressing each component of the attorney fees requested.

/s/ Helene N. White