

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of SYED MAZHAR JALIL, Deceased.

STEPHEN C. ALBERY, Personal Representative
of the ESTATE OF SYED MAZHAR JALIL,
Deceased, and JEHANA JALIL,

UNPUBLISHED
July 12, 2002

Petitioners-Appellees,

v

PARVEEN KHAN,

No. 230493
Oakland Probate Court
LC No. 95-243935-SE

Respondent-Appellant.

Before: Hood, P.J., and Saad and E. M. Thomas*, JJ.

MEMORANDUM.

Parveen Khan appeals as of right from the probate court's order determining that life insurance proceeds she received were assets of the estate of Syed Mazhar Jalil, her deceased ex-husband. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Appellant raises two arguments: (1) that appellees should be found equitably estopped from asserting the estate's claim to the insurance proceeds due to an initial misstatement of law by Jehana Jalil's counsel that the policy was not part of the estate; and (2) that the insurance policy proceeds are "disclaimed assets" which pass directly to decedent's descendants, who are also Khan's children, under the New Estates and Protected Individuals Code, MCL 700.1101 *et seq.* We find no error.

Estoppel does not apply because there was no evidence that the estate, Jehana Jalil, or their agents made a false representation of fact while knowing the actual facts. *Cincinnati Ins Co v Citizens Ins Co*, 454 Mich 263; 562 NW2d 648 (1997).

Appellant Khan was disqualified from receiving the policy proceeds because of her divorce. Her children were not qualified to receive the proceeds as contingent beneficiaries because she was still alive at the time of decedent's death. *In re Seitz Estate*, 426 Mich 630, 640;

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

397 NW2d 162 (1986). The provisions of the new estates and protected individuals code do not apply to the insurance policy in question because decedent died before the effective date of the code. MCL 700.8101(2)(a).

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas