STATE OF MICHIGAN

COURT OF APPEALS

PARVIN C. LEE, JR.,

Plaintiff-Appellant,

v

MERRILL, LYNCH, PIERCE, FENNER & SMITH, INC.,

Defendant-Appellee.

UNPUBLISHED
November 16, 2004

No. 248142
Oakland Circuit Court
LC No. 2002-045787-CK

Before: Zahra, P.J., and White and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right the circuit court order granting defendant's motion for summary disposition. Plaintiff maintained three investment accounts with defendant, including an individual retirement account (IRA). This case stems from defendant's release of the contents of plaintiff's IRA pursuant to a writ of garnishment that arose out of a separate probate action. We affirm.

We review de novo a trial court's decision on a motion for summary disposition. *Corley v Detroit Bd of Ed*, 470 Mich 274, 277; 681 NW2d 342 (2004). Defendant moved for summary disposition under MCR 2.116(C)(8) and (C)(10). Because the court relied on documentary evidence when deciding the motion, we treat the motion as having been decided under (C)(10). This type of motion tests the factual sufficiency of a complaint. *Corley*, *supra* at 278. When reviewing a (C)(10) motion, we look at the entire record in a light most favorable to the nonmoving party to determine if the moving party was entitled to judgment as a matter of law. *Id.*; *Morales v Auto-Owners Ins*, 458 Mich 288, 294; 582 NW2d 776 (1998). Summary disposition is appropriately granted only where no genuine issue of material fact exists. *West v General Motors Corp*, 469 Mich 177, 183; 665 NW2d 468 (2003).

In the underlying case, the trial court entered an order in favor of the Faustine A. Lee Trust against plaintiff in the amount of $171,645.02. The Trust served a request and writ of garnishment on the garnishee, defendant here. Defendant disclosed that plaintiff had three accounts, including an IRA. Although plaintiff asserts that he was aware that the IRA should have been exempt from garnishment, it is undisputed that he did not file any objection to the writ. For reasons that are unclear, the Trust obtained a default judgment against defendant, and, in response to that judgment, defendant disbursed plaintiff's IRA funds to the Trust.

We agree with plaintiff's assertion that, with limited exceptions not applicable here, IRAs are generally exempt from executions to collect on a judgment. MCL 600.6023(1)(k). However, MCR 3.101(E) provides in relevant part that "unless the [judgment debtor] files objections within 14 days after the service of the writ on the [judgment debtor],

> (a) without further notice the property or debt held pursuant to the garnishment may be applied to the satisfaction of the [judgment creditor]'s judgment . . . .

MCR 3.101(J)(1) requires that the garnishee transmit "all withheld funds" to the judgment creditor or the court as indicated by the writ of garnishment unless the garnishee received notice that objections were filed. It is undisputed that plaintiff never filed any objections, and plaintiff fails to identify any authority that would allow a garnishee like defendant to disregard a writ of garnishment in favor of its own determination that the property at issue was exempt. We further conclude that plaintiff has established no viable claim under MCR 3.101(J)(7) where he failed to file any objections, and the judgment creditor obtained a default against defendant.

We decline to address plaintiff's other arguments on appeal. Some are inadequately briefed, and thus are considered abandoned. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998). An appellant cannot merely announce his position and "leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Other arguments, including plaintiff's claim that there is a question regarding whether he was served with the writ of garnishment, are unpreserved, *Etefia v Creidt Technologies, Inc*, 245 Mich App 466, 472; 628 NW2d 577 (2001), and - particularly in light of plaintiff's assertions in his complaint that he received notice of the writ - we are not persuaded that we should consider them for the first time on appeal.

Affirmed.

/s/ Brian K. Zahra
/s/ Helene N. White
/s/ Michael J. Talbot