

STATE OF MICHIGAN
COURT OF APPEALS

KIM W. ALDRICH and KIT E. PRICE,

Plaintiffs/Counter-Defendants-
Appellees,

v

THE ESTATE OF RANDY C. ALDRICH,
CAROL ALDRICH, EARON ALDRICH,
ZACHARY ALDRICH, and SHANE ALDRICH,

Defendants/Counter-Plaintiffs-
Appellants.

UNPUBLISHED
January 24, 2012

No. 300412
Roscommon Circuit Court
LC No. 09-727947-CH

Before: SAWYER, P.J., and WHITBECK and M. J. KELLY, JJ.

PER CURIAM.

In this real property dispute, defendants Estate of Randy C. Aldrich, Carol Aldrich, Earon Aldrich, Zachary Aldrich, and Shane Aldrich appeal as of right the trial court's opinion and order quieting title to the property at issue in favor of plaintiffs Kim W. Aldrich and Kit E. Price. On appeal, the primary issue is whether Carol Aldrich effectively transferred ownership of her deceased husband's share in the property at issue when she quitclaimed any interest that she might have had in the property to her husband's siblings, Kim Aldrich and Kit Price. Because we conclude that she did, we affirm.

I. BASIC FACTS AND PROCEDURAL HISTORY

In December 1984, Lyall and June Aldrich executed a quitclaim deed that transferred ownership of the property at issue to their children, Kim Aldrich, Randy Aldrich, and Kit Price, as tenants in common. Lyall and June, however, retained a life estate in the property.

Randy Aldrich died intestate in 1998. Randy's wife, Carol Aldrich, and his three children, Earon, Zachary, or Shane Aldrich, survived him. However, they did not seek to have Randy's estate probated. June Aldrich died in June 2001. And, following June Aldrich's death in that same month, Carol Aldrich quitclaimed her interest in the property—as the survivor of herself and Randy Aldrich—to Randy's brother, Kim Aldrich, and his sister, Kit Price. Lyall Aldrich died in 2008.

Plaintiffs sued to quiet title to the property in May 2009. Plaintiffs alleged that Carol Aldrich transferred her husband's one-third interest in the property to them when she executed the June 2001 quitclaim deed. For that reason, they maintained, the Estate did not have an interest in the property that it could transfer to Randy Aldrich's heirs.

In June 2009, Carol Aldrich purported to disclaim her interest in her husband's estate.

In July 2009, the Estate and Randy Aldrich's children counter-sued plaintiffs. They alleged that Kim Aldrich misused Lyall Aldrich's assets while acting as his caregiver, which amounted to a breach of his fiduciary duties to Lyall Aldrich. They asked the trial court to award them damages under claims of breach of fiduciary duty and unjust enrichment, asked the trial court to order the sale of the property, to impose a constructive trust on their grandfather's assets, and to order an accounting of his estate.¹

Plaintiffs moved for summary disposition under MCR 2.116(C)(8) and (9) in June 2010. Plaintiffs argued that, under the Estates and Protected Individuals Code, see MCL 700.1101 *et seq.*, Carol Aldrich is entitled to her husband's entire estate. See MCL 700.2102(1). As such, when she quitclaimed the property to plaintiffs, she effectively transferred her husband's one-third interest in the property to them.

In July 2010, defendant's responded to plaintiff's motion and moved for summary disposition under MCR 2.116(I). Defendants noted that Randy Aldrich's estate was not probated and that, as a result, Carol Aldrich never received a deed transferring Randy's share of the property to her. For that reason, defendants contended that Carol Aldrich had no interest to convey at the time she executed the quitclaim deed to the property.

At a hearing held in July 2010, the trial court indicated that it would not rule on the motions. After the parties conceded that there were no factual disputes, the trial court asked them to submit a set of stipulated facts along with briefs detailing their legal arguments. Thereafter, the parties submitted the matter to the trial court for a bench trial on stipulated facts.

In August 2010, the trial court entered its opinion and order. The trial court determined that, by executing the June 2001 quitclaim deed, Carol Aldrich effectively elected to take her survivor's share in her husband's estate. Further, it determined that Carol Aldrich could not disclaim her interest in the estate under the doctrines of laches and equitable estoppel. Finally, because Carol Aldrich acquired an interest in her husband's property at the time of his death, the trial court concluded that Carol Aldrich effectively transferred the one-third interest in the property to plaintiffs.

The trial court entered judgment in favor of plaintiffs on September 7, 2010.

This appeal followed.

¹ The counterclaims are not at issue on appeal.

II. QUIET TITLE

A. STANDARDS OF REVIEW

On appeal, defendants argue that the trial court erred in several ways when it determined, after a bench trial, that Carol Aldrich effectively conveyed her deceased husband's interest in the property at issue to plaintiffs. This Court reviews de novo a trial court's decision to grant equitable relief. *Beach v Lima Township*, 489 Mich 99, 106; 802 NW2d 1 (2011). This Court also reviews de novo questions of law such as the proper interpretation of statutes and the application of equitable doctrines such as laches and equitable estoppel. *Id.* at 105-106 (applying de novo standard of review to the interpretation of statutes); *Blackhawk Dev Corp v Village of Dexter*, 473 Mich 33, 40; 700 NW2d 364 (2005) (stating that de novo review applies to equitable matters). However, this Court reviews a trial court's factual findings after a bench trial for clear error. *Blackhawk*, 473 Mich at 40.

B. ANALYSIS

We shall first address defendants' argument that the trial court erred when it determined that Carol Aldrich owned the one-third interest in the property at issue even though her husband's estate had not been probated. Under Michigan law, title to personal property does not transfer to a decedent's heirs² at the moment of death. *Michigan Trust Co v Grand Rapids*, 262 Mich 547, 550; 247 NW 744 (1933). Rather, title to personal property passes to the executor or administrator of the decedent's estate upon appointment. *Id.* However, the same is not true of real property: title to real property vests in a decedent's heirs at the moment of the decedent's death, subject to divestment in order to pay the estate's creditors. *Id.*, citing *In re Palmer*, 1 Doug 422, 424-425 (1844) (stating that, because real estate descends immediately to the decedent's heirs, the administrator of an estate has no authority to sell or convey the real estate except as provided by statute—namely, when the decedent's personal property is insufficient to pay the decedent's debts). Here, it was undisputed that Randy Aldrich died intestate while married to Carol Aldrich and that his estate was never probated. Further, throughout the proceedings the parties did not contest the fact that Carol Aldrich would take Randy's entire estate—including his one-third interest in the property at issue—under the statutes governing intestate succession. See MCL 700.2102(1). Under the undisputed facts, title to Randy Aldrich's one-third interest in the property at issue vested in Carol Aldrich after Randy's death, subject to divestment in the event that his personal property was insufficient to pay his debts. *Michigan Trust Co*, 262 Mich at 550.

A quitclaim deed effectively transfers whatever interest in the property that the grantor had at the moment of the transfer. See *State Hwy Comm'r v Simmons*, 353 Mich 432, 437; 91 NW2d 819 (1958) (“It is settled law in Michigan that a quitclaim deed, absent clear proof to the contrary, transfers any and all interest in the lands that the grantor may have, whatever its nature.”). Because title to her husband's one-third interest vested in her at the moment of her

² Under Michigan law, an heir is any person that is entitled to a decedent's property under the statutes of intestate succession. See MCL 700.1104(n).

husband's death, Carol Aldrich owned the one-third interest when she executed the quitclaim deed. Accordingly, she effectively transferred her interest to plaintiffs with the quitclaim deed, subject to divestment only in the event that Randy Aldrich's personal property was insufficient to pay his debts. *Id.*; *Michigan Trust Co*, 262 Mich at 550.

The trial court did not err when it determined that Carol Aldrich had a vested interest in the one-third of the property formerly held by her husband at the time she executed the June 2001 quitclaim deed and that the execution of that deed transferred her interest to plaintiffs. Moreover, because she had already transferred her interest in the property at issue before she attempted to disclaim it, her disclaimer was ineffective. See MCL 700.2910(1)(a). As such, the trial court did not need to address the doctrines of laches and equitable estoppel and we decline to address defendants' claims of error with regard to the trial court's application of those doctrines. See *Lavey v Mills*, 248 Mich App 244, 250; 639 NW2d 261 (2001) (stating that this Court will affirm when the trial court came to the correct result even if it did so for different reasons).

Finally, we cannot agree with defendants' contention that the trial court erred when it ignored evidence that two title companies had opined that title to Randy Aldrich's one-third interest in the property was with his estate rather than his wife. As the trial court explained to defendants at the hearing on plaintiffs' motion for summary disposition, it is well settled that it is the exclusive province of the courts to state what the law is. *Marbury v Madison*, 5 US (1 Cranch) 137, 177–180, 2 L Ed 60 (1803). Accordingly, the title companies' opinions concerning how the law might apply to the facts of this case were irrelevant. Under the undisputed facts of this case, Carol Aldrich had—as a matter of law—a vested interest in her husband's one-third share of the property. And the trial court properly determined that she transferred that interest to plaintiffs when she executed the June 2001 quitclaim deed.

There were no errors warranting relief.

Affirmed. As the prevailing parties, plaintiffs may tax their costs. MCR 7.219(A).

/s/ David H. Sawyer
/s/ William C. Whitbeck
/s/ Michael J. Kelly