

STATE OF MICHIGAN
COURT OF APPEALS

In re Estate of OTTO SONNENSCHMIDT,
Deceased.

ELKE MORTON, Personal Representative of the
Estate of OTTO SONNENSCHMIDT, Deceased,

UNPUBLISHED
February 26, 2002

Petitioner-Appellant,

v

BRIGITTE SONNENSCHMIDT,

No. 227196
Oakland Probate Court
LC No. 98-263847-IE

Respondent-Appellee.

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Petitioner appeals as of right from a probate court order denying her petition for reconsideration of the determination of personal property. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In general, a party moving for reconsideration “must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error.” MCR 2.119(F)(3). Whether to grant a motion for reconsideration is a matter left to the trial court’s discretion. *Cole v Ladbroke Racing Michigan, Inc.*, 241 Mich App 1, 8; 614 NW2d 169 (2000). The trial court’s ruling is reviewed for an abuse of that discretion, which “exists when the result is so palpably and grossly violative of fact and logic that it evidences perversity of will or the exercise of passion or bias rather than the exercise of discretion.” *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000).

Given that petitioner swore in the estate tax return that all “household goods and personal effects” had a value of \$1,500 and were part of the estate and not part of the trust, the circuit court did not err in accepting those facts as true. It was only when petitioner realized that the court was going to rely on those facts to defeat her claim that those items were part of the trust that she decided to file an amended tax return. Petitioner’s abrupt change of position does not warrant a finding that the trial court abused its discretion in denying the motion for reconsideration. *Gibson v Bronson Methodist Hosp*, 197 Mich App 67, 74; 495 NW2d 162

(1992), rev'd on other grounds 445 Mich 331; 517 NW2d 736 (1994); *Brown v Libbey-Owens-Ford Co*, 166 Mich App 213, 216-217; 420 NW2d 106 (1987).

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens