

STATE OF MICHIGAN  
COURT OF APPEALS

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In re RUTH EWERS CIARAMITARO.

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RUTH EWERS CIARAMITARO, a/k/a RUTH  
EWERS BAKER,

UNPUBLISHED  
July 12, 2002

Plaintiff-Appellant,

v

ESTATE OF ROBERT GEORGE EWERS,  
Deceased,

No. 223630  
Oakland Probate Court  
LC No. 82-021273-AD

Defendant-Appellee.

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

MEMORANDUM.

Plaintiff appeals as of right from a probate court order denying her motion to set aside an order of adoption. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff is the daughter of the late Robert Ewers, who was never married to plaintiff's mother. In 1984, the probate court terminated Ewers' parental rights and plaintiff was adopted by her mother's husband. After Ewers died in 1999, plaintiff filed a motion to set aside the order of adoption so she could inherit Ewers' estate. The probate court determined that the adoption had been proper under MCL 710.37 and denied the motion.

Plaintiff first contends that service of notice of the proceedings on Ewers was improper and thus the probate court lacked jurisdiction. We disagree. First, service by mail was proper under PCR 752.1(b). Personal service was not required because Ewers was not being served with a notice of intent to release or consent. PCR 752.1(a). Second, while lack of notice to a parent may divest the court of jurisdiction over delinquency or termination proceedings brought under Chapter XIIA of the probate code, MCL 712A.12; *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999), this case involved adoption proceedings under Chapter X of the probate code, making MCL 712A.12 inapplicable. Third, plaintiff lacks standing to object to the

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

manner of service as to a party other than herself. *Slattery v Hartford-Connecticut Trust Co*, 254 Mich 671, 678; 236 NW 902 (1931).

Affirmed.

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