

STATE OF MICHIGAN
COURT OF APPEALS

In re conservatorship of STEPHANIE REARDON

DAWN HASKELL, Conservator for STEPHANIE
REARDON, Minor

UNPUBLISHED
April 10, 2012

Petitioner-Appellee,

v

MICHAEL REARDON and SANDRA
REARDON,

No. 303250
Midland Probate Court
LC No. 11-005228-CY

Respondents-Appellants.

Before: SHAPIRO, P.J., and WILDER and MURRAY, JJ.

PER CURIAM.

Respondents, Michael Reardon and Sandra Reardon, appeal as of right the lower court's opinion and order appointing a guardian and conservator over their daughter, then 17-year-old Stephanie Reardon. We affirm.

At the outset, we note that this Court has jurisdiction over respondent's claim of appeal only insofar as it involves a challenge of the probate court's appointment of a conservator for Stephanie. MCR 5.801(B)(2)(a). On the other hand, this Court does *not* have jurisdiction in this appeal to consider respondents' arguments challenging the probate court's appointment of the guardian because an appeal of a guardianship appointment must first be heard by the circuit court. MCR 5.801(C)(1). During oral argument, the parties acknowledged that the appeal of the guardianship appointment was still pending in the circuit court.¹ Thus, our opinion will address only the matter for which we have jurisdiction, the probate court's appointment of a conservator for Stephanie.

¹ It appears that subsequent to oral argument, the appeal challenging the appointment of the guardian was dismissed by the circuit court as moot after Stephanie turned 18 years old.

We conclude that respondents have abandoned their challenge of the appointment of the conservator. Respondents' brief argues at length that the probate court erred in its ruling because the conditions of MCL 700.5204(2) were not met. But MCL 700.5204(2) only addresses the requirements for an appointment of a guardian. Respondents' brief failed to address in any respects whether MCL 700.5401(2), which governs the appointment of conservators, was satisfied, and consequently, we consider the issue abandoned. *DeGeorge v Warheit*, 276 Mich App 587, 601; 741 NW2d 384 (2007).

Affirmed. Petitioner, the prevailing party, may tax costs pursuant to MCR 7.219.

/s/ Kurtis T. Wilder

/s/ Christopher M. Murray

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SHAPIRO, J. (*concurring*).

I concur in the result only.

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/s/ Douglas B. Shapiro