

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re Estate of THOMAS ADAMS.

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WILLIAM ADAMS, Personal Representative of  
the Estate of THOMAS ADAMS, a/k/a THOMAS  
L. ADAMS, and LINDA K. ADAMS,

Appellees,

V

DON ADAMS,

Appellant.

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UNPUBLISHED  
May 14, 2013

No. 305451  
Midland Probate Court  
LC No. 10-005094-DE

Before: FORT HOOD, P.J., and FITZGERALD and O'CONNELL, JJ.

MEMORANDUM.

Appellant appeals by right the probate court order approving the final accounting of the decedent's estate. However, we granted, in part, appellant's motion for remand for further factual development.<sup>1</sup> On remand, the probate court conducted a hearing and found "good cause" to reopen the estate, ruling as follows:

An estate may be reopened if there is "good cause" to do so. MCL 700.3959; MCR 5.392.

It is not this Court's duty at this time to determine the timeliness issue (Appellant filed supplemental objections without leave of the Court and outside the time limit given to file all objections). Further, it is not this Court's duty at this time to make a final determination whether fraud exists by clear and convincing evidence. It is this Court's obligation to determine whether good cause has been shown to hold an evidentiary hearing to determine whether the assets that are the subject of the questioned documents should be included in the inventory. Based on the

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<sup>1</sup> *In re Adams Estate*, unpublished order of the Court of Appeals entered September 24, 2012 (Docket No. 305451).

testimony of Mr. Kullman, which is not contradicted, there is sufficient evidence that good cause has been shown to allow for a full evidentiary hearing where each side may present expert witnesses along with testimony from the various parties and any other evidence they may deem relevant to the matter.

Mr. Kullman's testimony raises at least a reasonable question whether the questioned documents were signed by Decedent Thomas Adams. This testimony, as well as the Court's own observations of the documents (those that are relatively clear copies), show that there are differences between decedent's known and questioned signatures. As a result this Court believes the parties are entitled to a full and fair hearing so that a final determination may be made. Therefore, for the reasons stated in this opinion the estate can be reopened for the purpose of conducting an evidentiary hearing to determine whether certain assets of the estate were improperly excluded.

The probate court's decision to reopen an estate is reviewed for an abuse of discretion. *In re Weber Estate*, 257 Mich App 558, 560; 669 NW2d 288 (2003). The probate court's factual findings are reviewed under the clearly erroneous standard. *In re Townsend*, 293 Mich App 182, 186; 809 NW2d 424 (2011). The probate court's dispositional rulings are reviewed for an abuse of discretion. *In re Estate Lundy Estate*, 291 Mich App 347, 352; 804 NW2d 773 (2011). Issues of statutory interpretation are reviewed de novo. *In re Townsend*, 293 Mich App at 186. Factual findings underlying a good cause determination are reviewed for clear error. *Bush v Beemer*, 224 Mich App 457, 465; 569 NW2d 636 (1997).

MCL 700.3959 provides that there may be subsequent administration of a previously administered estate for good cause. Based on the record presented, we cannot conclude that the probate court abused its discretion by allowing the reopening of the estate. *In re Weber Estate*, 257 Mich App at 560. There was evidence that documentation previously assumed to be signed by the decedent did not contain his signature. In light of the probate court's factual findings and determination that a full evidentiary hearing should occur, we vacate the probate court order approving the final accounting of the estate and remand for proceedings consistent with the probate court's decision to reopen the estate. For reasons of judicial economy, we decline to address the remaining property issues related to the final accounting that were raised on appeal. See *Michigan Prof Employees Society v Dep't of Natural Resources*, 152 Mich App 595, 602; 394 NW2d 786 (1986).

Vacated and remanded for proceedings consistent with the probate court's decision to conduct a full evidentiary hearing. We do not retain jurisdiction. Appellant, the prevailing party, may tax costs. MCR 7.219.

/s/ Karen M. Fort Hood  
/s/ E. Thomas Fitzgerald  
/s/ Peter D. O'Connell