STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of the Estate of IRENE E. PERUN, Deceased.

ANDREA LYNN RACHWAL, Personal Representative of the Estate of IRENE E. PERUN,

Appellee,

v

ANDREW J. PERUN,

Appellant.

UNPUBLISHED
June 26, 2014

No. 313869
Macomb Probate Court
LC No. 2010-199763-DE

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

PER CURIAM.

Appellant appeals as of right an order approving the sale of real estate. However, the issues on appeal relate to the trial court's prior orders denying appellant's re-notice of hearing and his motion for reconsideration. We affirm.

Appellant argues in his brief that the trial court erred in denying his re-notice of hearing. However, at oral argument before this Court he dismissed any appeal related to that order, so we will not address that issue.

We hold that the trial court did not abuse its discretion in denying appellant's motion for reconsideration. "An abuse of discretion occurs when the decision results in an outcome falling outside the principled range of outcomes." *Woodward v Custer*, 476 Mich 545, 557; 719 NW2d 842 (2006).

On September 7, 2012, appellee filed a petition for approval of the sale of real estate for the Lyons Circle property. That same day, appellee also filed a petition for partial distribution. At the hearing on appellee's petitions, appellant attempted to raise the issues of rent and property taxes that the trial court noted were not properly before the court. The trial court determined that there was nothing inappropriate about the proration of taxes between the purchaser and the seller, and granted the petitions.

On appeal, as in the trial court, appellant fails to cite any support for his statement that the trial court erred in denying the petition to approve the sale of the Lyons Circle property because "proper procedures" were not followed. In other words, appellant merely concludes that the trial court did not follow proper procedures in approving the sale of the Lyons Circle property, but does not provide any law to support his conclusory statements. An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give issues cursory treatment with little or no citation of supporting authority. *Peterson Novelties, Inc v City of Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003). Therefore, appellant has failed to establish that the trial court abused its discretion in concluding that appellant failed to show that it "made a palpable error and that a different disposition would result from correction of the error." See *Herald Co v Tax Tribunal*, 258 Mich App 78, 82; 669 NW2d 862 (2003), citing MCR 2.119(F)(3).

We reject appellee's request to award her damages under MCR 7.216(C)(1), on the basis that appellant's appeal is vexatious. Having not followed the procedures of MCR 7.211(C)(8) (requiring a separate motion when seeking damages) and MCR 7.216(C)(1), we deny appellee's request for sanctions. See *In re Daniels Estate*, 301 Mich App 450, 460; 837 NW2d 1 (2013) (it is insufficient for a party to only request sanctions pursuant to MCR 7.216(C)(1) in its brief on appeal). [1]

Affirmed.

Appellee may tax costs, having prevailed in full. MCR 7.219(A).

/s/ Christopher M. Murray
/s/ Kathleen Jansen
/s/ Douglas B. Shapiro

[1] Appellant argues that appellee's counsel's March 14, 2012, letter to the trial court constituted an impermissible ex parte communication. Appellant failed to raise this issue in the trial court, so it is unpreserved for appellate review. See *Hines v Volkswagen of America, Inc*, 265 Mich App 432, 443; 695 NW2d 84 (2005). Although, generally, judges are not to consider ex parte communications, "[a] judge may allow ex parte communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits . . . ." Code of Judicial Conduct, Canon 3(A)(4)(a). Here, appellee's counsel notified the trial court in her letter that she had a scheduling conflict with the hearing date provided in appellant's re-notice of hearing.