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STATE OF MICHIGAN

COURT OF APPEALS

In re ESTATE OF LAWRENCE LOWELL WASHINGTON, JR.

LATRICIA WRIGHT,

Appellant,

v

FRANCES HARDRICK,

Appellee,

and

GLORIA WASHINGTON and COREY WASHINGTON,

Other Parties.

UNPUBLISHED
September 04, 2026
9:41 AM

No. 376103
Wayne Probate Court
LC No. 2022-877325-DE

Before: M. J. KELLY, P.J., and O'BRIEN and LIEVENSE, JJ.

PER CURIAM.

Appellant, Latricia Wright, appeals as of right the trial court's order finding that a will that Latricia attempted to probate was the result of undue influence. We affirm.

I. BACKGROUND

The decedent was diagnosed with cancer and hospitalized in May 2022. At that time, the decedent had a will dated July 22, 2016, that named his sister, Gloria Washington, as the decedent's personal representative, guardian, and conservator, and bequeathed his estate equally to Gloria and the decedent's other sister, Frances Hardick.

Gloria was the joint owner on two of the decedent's bank accounts, and while the decedent was hospitalized, Gloria took essentially all the money out of the decedent's accounts. Gloria

claimed that she did so per the decedent's "instructions." According to Gloria, shortly after withdrawing the money, she found out that the decedent was angry that she withdrew all of his money, so she put all of the funds back "immediately." Afterwards, Gloria began to question "what was going on with" the decedent because he seemed to have "completely forgot[ten] what [they] talked about."

Latricia, who was the decedent's niece, testified that she was in the hospital with the decedent when he found out that Gloria had withdrawn all the money from his accounts, and when the decedent called the banks to have Gloria removed from his accounts, he was told that he could have someone with a power of attorney come in and "handle it on his behalf." Then the decedent, according to Latricia, turned to her and said "we've got to get a Power of attorney," so Latricia found a power-of-attorney document online and brought it to the decedent the following day. The decedent thereafter gave Latricia power of attorney, and she went to the bank and opened up a new account, and after Gloria returned the decedent's money, it was transferred to the new account.

Willie Brake, who was the decedent's nephew and Latricia's brother, testified that, while the decedent was in the hospital, Latricia came to Brake with a power of attorney that had not been signed by the decedent and asked Brake to notarize it. Brake explained that he did so because Latricia "came to [him] in distress" and represented that she needed the power of attorney "to protect [the decedent's] finances," and Brake, at the time, believed Latricia when she represented that Gloria had stole the decedent's money. Later, however, after Brake learned that Gloria had "returned the money, and Latricia transferred the money to her account," Brake began to suspect that Latricia was trying to "enrich[] her ownself [sic], instead of looking out for [the decedent's] best interest."

Frances Hardrick—the decedent's sister, and Latricia and Brake's mother—testified that she went to see the decedent every day while he was in the hospital. According to Hardrick, the original plan was for the decedent to come live with Hardrick after the hospital, but that plan changed, and the new plan was for the decedent to go to his own home, where Latricia would take care of him.

Latricia testified that she started working as the decedent's caretaker "when he was released from the hospital [on] June 16th." She lived with him around the clock, 24 hours per day. Sterling Wright, Latricia's husband, also began living fulltime at the decedent's home "sometime end of June, early July" 2022.

According to Latricia, while she was living with the decedent at his home, the decedent pulled out the 2016 will and told Latricia that he wanted to change it. He told Latricia the changes that he wanted made, and Latricia wrote a will in accordance with the decedent's wishes on a computer. Latricia then called "a mobile notary" and had the new will notarized.

This 2022 will was allegedly signed by the decedent on June 25, 2022. The 2022 will nominated Latricia to be the personal representative of the decedent's estate, named Latricia as the decedent's conservator if he became incapacitated before his death, and bequeathed "100%" of his estate to Latricia unless a specific gift was devised to someone else. Wright signed the 2022 will as a witness, and the will was notarized by Myriam Bazzi.

A few days before the 2022 will was signed, the decedent executed a quit-claim deed for his home that titled the property to the decedent and Latricia "as joint tenants with right of survivorship." This quit-claim deed was dated June 22, 2022.

According to Latricia, the decedent had planned for years to give his home to Latricia. She testified that she had a long-established relationship with the decedent; she explained that she worked professionally as "a Wholistic [nutritionist]; an Herbalist," and the decedent became her client in "[a]bout 2011, 2012." Latricia claimed that she first spoke with the decedent about his house in 2017 when he told her, "I'm a leave you my house." Latricia testified that the decedent never told her why he was giving her the house, just that that was his decision.

How the decedent planned to dispose of his home became a point of contention in July 2022. Hardrick testified that, after the decedent was released from the hospital, she went to see him almost every day at his home. During one visit, the decedent, according to Hardrick, told Hardrick that he wanted Brake to have the house. Hardrick asked if she could tell Brake this news, and the decedent said that she could. Hardrick testified that she went downstairs and shared the news with Latricia, who went into a "rage" and got "really upset"—Hardick "could see spots in her eyes." Latricia, according to Hardrick, told Hardrick that she must have misheard the decedent.

Latricia gave a somewhat different account of this day. According to Latricia, one day after Hardrick spoke with the decedent alone upstairs, she came down and told Latricia that the decedent was going to give Brake the house "and licked her tongue out at" Latricia. Latricia then went upstairs to speak with the decedent, who told Latricia that he told Hardrick that Latricia would rent the house to Brake. Latricia told the decedent that Hardrick said that the decedent was going to give the house to Brake, and the decedent denied saying that. Latricia then called Hardrick and told her that the decedent denied saying that he was going to give the house to Brake.

Everyone agrees that a few days after these events took place, Brake and Hardrick went to the decedent's home to ask the decedent what his plans were for his home upon his death. According to Brake, he went to the decedent's home because his "mother had told [him] that [the decedent] really wanted [Brake] to have the house, so [Brake] wanted to speak to [the decedent] and just confirm if that was the case or not[.]" The first time that Brake heard that the decedent wanted Brake to have the house was when his mother told him in July 2022. Brake testified that the decedent "just listened" for a while, then "eventually he said that [he] already made [his] decision [a] long time ago[.]"[1] Brake did not know what that meant—he did not interpret it as a "no," just "that [the decedent] made his decision a long time ago[.]" Brake was not aware that, at the time of his conversation with the decedent, the decedent had already given the house to Latricia via a quit-claim deed in June 2022, and the decedent said nothing about that during their conversation. Brake also testified that at no point did Latricia tell him that she was already on the deed to the decedent's house or that the decedent had left everything to Latricia in his will; according to Brake, "everything was a secret." Hardrick similarly testified that the decedent had always been open with her about his finances and how he planned to dispose of his estate, so she

[1] Brake recorded this conversation, and that recording and a purported transcript of the recording were entered into evidence.

was surprised to find out after the decedent died that he had decided to give everything to Latricia without telling Hardrick.

According to Hardrick, Latricia had been having financial problems for years before the decedent died—including for over eight years while Latricia and her husband lived with Hardrick—and Hardrick always helped Latricia financially.[2] Hardrick claimed that she had always had a close relationship with Latricia, but that began to change after Latricia found out that Hardrick was in the decedent's will. Hardrick testified that, after that, "[e]verything changed with [Latricia] because money, money, money[.]"

The decedent passed away on July 28, 2022. In August 2025, Latricia petitioned to probate the decedent's 2022 will. In October 2022, Hardrick and Washington (the sisters) filed objections to probating the 2022 will. The sisters argued that the 2016 will constituted the decedent's last will and testament, and that the 2022 will was the result of fraud and undue influence. Gloria later moved to withdraw her objections, and the trial court granted that request in a written order,[3] so only Hardrick's objections to probating the 2022 will remained.

On January 8, 2024, Latricia moved for summary disposition under MCR 2.116(C)(8) and (10), arguing that there was no genuine issue of material fact that the 2022 will was not the product of undue influence, so Hardrick's objections to probating the 2022 will should be denied. The trial court denied this motion in an order dated June 5, 2024. The court's order explained that Hardrick established a presumption of undue influence because (1) Latricia was in a fiduciary relationship with the decedent when he executed the 2022 will as she had power of attorney at that time, (2) Latricia benefitted from the 2022 will because it "gave [her] the Decedent's probate assets," and (3) Latricia had an opportunity to influence the decedent because she drafted the 2022 will and was present when the decedent signed it. The court then noted Latricia's argument that the 2022 will was notarized and that the notary averred in an affidavit that, while she did not remember notarizing the 2022 will, she would not have notarized a document if any "red flags" were present. But the court concluded that "[t]he record leaves open facts that reasonable minds could differ as to whether Petitioner has rebutted the presumption that Decedent created the 2022 [will] from undue influence," so the court set the matter for an evidentiary hearing.

Following the evidentiary hearing at which the testimony described throughout this opinion was heard, the trial court issued its ruling in a written opinion and order. The court first explained that it had "previously ruled that a presumption of undue influence exists," and the question for trial was whether Latricia rebutted the presumption. The court explained that there were suspicious circumstances leading up to the signing of the 2022 will. The court observed evidence that Latricia and Sterling were struggling financially in 2022, and that Latricia first "took a substantial interest in [the decedent's] wellbeing" in May 2022 after he got sick. The court also noted the circumstances under which the decedent executed a document giving Latricia power of attorney.

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[2] This included Hardrick, at one point, financing a luxury vehicle for Latricia, and when neither Latricia nor Hardrick could afford the payments, Hardrick had to file for bankruptcy.

[3] Corey Washington, the decedent's estranged son, also filed objections to Latricia's petition to probate the 2022 will, and the trial court dismissed those objections in the same order in which it dismissed Gloria's objections.

Before the decedent signed the document, Latricia brought only a signature page to Brake to notarize, using his trust to convince him to notarize it. She then had the decedent sign the document with no witnesses. As for the 2022 will, the court noted that Latricia's only evidence to rebut the presumption of undue influence was Sterling's and her testimony, which the court found "lacks credibility given that no evidence corroborates it, they benefit from it, and given the circumstances and their behavior surrounding the creation of the 2022 will." The court also found it significant that during Brake's visit a few days before the decedent passed away, the decedent "did not confirm he recently drafted a will which disposed of his entire estate to Latricia" but instead "explained he decided what to do a long time ago." The court concluded that this evidence was insufficient to overcome the presumption that the 2022 will was the product of undue influence, so it denied the petition to probate the 2022 will.

Latricia filed a motion asking the trial court to reconsider this ruling, which the court denied.

This appeal followed.

II. STANDARD OF REVIEW

A probate court's findings following a bench trial are reviewed for clear error. *In re Estate of Bennett*, 255 Mich App 545, 549; 662 NW2d 772 (2003). "A finding is clearly erroneous when the reviewing court is left with a definite and firm conviction that a mistake has been made, even if there is evidence to support the finding." *Id*.

A trial court's ruling on a motion for reconsideration is reviewed for an abuse of discretion. *Woods v SLB Prop Mgt, LLC*, 277 Mich App 622, 629; 750 NW2d 228 (2008).

III. ANALYSIS

Establishing that a will was the result of undue influence vitiates the instrument because it establishes that the instrument was not the result of the testator's free will. See *In re McKeand*, 185 Mich 97, 120; 151 NW 731 (1915). Undue influence can be established if it is directly "shown that the grantor was subjected to threats, misrepresentation, undue flattery, fraud, or physical or moral coercion sufficient to overpower volition, destroy free agency and impel the grantor to act against his inclination and free will." *In re Estate of Karmey*, 468 Mich 68, 75; 658 NW2d 796 (2003) (quotation marks and citation omitted). If there is no direct evidence that a will was the result of undue influence, undue influence can still be established by showing that the circumstances surrounding the signing of the will were so suggestive of undue influence that undue influence is presumed:

> The presumption of undue influence is brought to life upon the introduction of evidence which would establish (1) the existence of a confidential or fiduciary relationship between the grantor and a fiduciary, (2) the fiduciary or an interest which he represents benefits from a transaction, and (3) the fiduciary had an opportunity to influence the grantor's decision in that transaction. [*Id*. (quotation marks and citation omitted).]

The burden of proving undue influence rests "with the party asserting it." *In re Mardigian Estate*, 502 Mich 154, 160; 917 NW2d 325 (2018) (opinion of MARKMAN, J.). Once a presumption of undue influence is established, the opposing party "has the burden of producing evidence to rebut the presumption." MRE 301. See also *In re Mardigian Estate*, 502 Mich at 166 n 6 (opinion of MARKMAN, J.); *Bill & Dena Brown Trust v Garcia*, 312 Mich App 684, 701; 880 NW2d 269 (2015). If the opposing party fails to offer sufficient evidence to rebut the presumption, "then the party alleging undue influence will have met its burden . . . of showing the occurrence of undue influence." *Id*. To be clear, however, the burden of proving undue influence always "remains on the party alleging that it occurred." *Id*.

Uncontested evidence presented in this case clearly "brought to life," *In re Estate of Karmey*, 468 Mich at 75, the presumption of undue influence. Latricia was in a fiduciary relationship with the decedent when the 2022 will was executed because she had power of attorney; Latricia benefitted from the 2022 will because that will left 100% of the decedent's estate to Latricia; and Latricia had an opportunity to influence the decedent's decision because, when the will was executed, Latricia was living in the decedent's home, caring for the decedent 24 hours per day. With a presumption of undue influence being established, the burden shifted to Latricia to present evidence rebutting the presumption. MRE 301; *Bill & Dena Brown Trust*, 312 Mich App at 701.

The trial court concluded that the only evidence that Latricia presented to rebut the presumption of undue influence was her and Sterling's testimony, which the court found not credible. The court accordingly held that Latricia had failed to offer sufficient evidence to rebut the presumption of undue influence, so Hardrick had met her burden of proving that undue influence occurred. See *id*.

While Latricia on appeal claims that "she rebutted the presumption of undue influence with substantial evidence," she fails to identify what that evidence was or how the trial court failed to consider it. She instead argues at length that Hardrick failed to present any direct evidence of undue influence. That is irrelevant, however, because, as explained, the trial court found that Hardrick presented evidence establishing a *presumption* of undue influence, shifting the burden to Latricia to present evidence rebutting that presumption. The pertinent issue is thus not whether Hardrick presented direct evidence of undue influence but whether Latricia came forward with evidence sufficient to rebut the presumption of undue influence.

To the extent that Latricia seems to argue that the recording of Brake's conversation with the decedent rebutted the presumption of undue influence, Latricia fails to address the trial court's reasoning for why it found that recording unpersuasive. Latricia claims that the trial court "completely disregard[ed]" the recording, but that is not true. The court instead discounted the significance of the recording because the decedent witnessed the dispute about his estate between Brake and Latricia, and instead of, in the trial court's words, telling everyone that "he recently drafted a will which disposed of his entire estate to Latricia," he "explained he decided what to do a long time ago." Latricia is essentially arguing that the trial court should have given the recording more weight, but how much weight to give evidence is a quintessential role of the factfinder. See *Allard v State Farm Ins Co*, 271 Mich App 394, 408; 722 NW2d 268 (2006) (explaining that "[i]t is the sole province" of the factfinder "to determine the weight of the evidence"). Not only that, but the trial court here explained *why* it was not giving the recording more weight, and Latricia takes no issue with the court's explanation.

To the extent that Latricia argues that her testimony at trial rebutted the presumption of undue influence, she ignores that the trial court found Latricia's testimony not credible. This Court generally defers to the factfinder's judgment on a witness's credibility, *In re Estate of Erickson*, 202 Mich App 329, 331; 508 NW2d 181 (1993), and Latricia has offered no reason why this Court should deviate from that general rule here.

Latricia also notes that the trial court made two factual errors in findings. First, she notes that the court incorrectly found that the decedent went to live at Latricia's home after being hospitalized because the evidence established that the decedent went back to his own home after the hospital. But Latricia fails to explain why this error was significant. The significance of the decedent's living arrangements after being released from the hospital was that he was living with Latricia. Second, Latricia notes that the trial court erred by stating that the decedent suffered from stomach cancer when he actually suffered from esophageal cancer. The type of cancer that the decedent had was not relevant to the court's decision, however; it was only significant that the decedent had cancer and was therefore in a vulnerable state.

Latricia's arguments as to why the trial court erred by denying her motion for reconsideration are the same as her arguments about why the trial court's ruling itself was erroneous. Latricia argues that (1) the trial court should have credited her testimony about why the decedent gave her power of attorney; (2) the trial court erred by finding that the decedent went to live in Latricia's home after he was discharged from the hospital; and (3) the trial court failed to give sufficient weight to Brake's recording of the conversation with the decedent shortly before the decedent's death. As explained above, (1) the trial court was permitted to not credit Latricia's testimony, (2) the trial court's erroneous factual finding was harmless, and (3) the trial court adequately explained why it refused to give more weight to Brake's recording. The trial court accordingly did not abuse its discretion by concluding that none of these arguments warranted granting Latricia's motion for reconsideration under MCR 2.119(F)(3).[4]

Affirmed.

/s/ Michael J. Kelly
/s/ Colleen A. O'Brien
/s/ Andrew J. Lievense

[4] MCR 2.119(F)(3) provides:

> Generally, and without restricting the discretion of the court, a motion for rehearing or reconsideration which merely presents the same issues ruled on by the court, either expressly or by reasonable implication, will not be granted. The moving party 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.