

NOTICE OF REPRIMAND AND RESTITUTION

Case No. 92-295-GA

Robert E. Kostin, P-16168, Clarkston, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #82.

- 1) Reprimand;
- 2) Effective July 7, 1994.

Respondent prepared and filed a Petition for Commencement of Proceedings for an Independent Probate of an estate. The decedent was the step-grandmother of respondent's wife, and one of the devisees had the same first name as respondent's wife. The panel found that: In the Petition for Commencement of Proceedings, respondent substituted the name of his wife as a devisee instead of that named devisee; he misled the Court by referring to his wife in the Petition for Commencement of Proceedings as that named devisee in that he added the surname of that devisee to his wife's name, although his wife had never had the same surname as that devisee; he failed to advise, or assist the Personal Representative in advising, that named devisee of the bequest to her; and he advised the Personal Representative to distribute that devisee's share of the estate to himself.

During the probate proceedings, respondent's wife died. Respondent filed a Petition for Commencement of Proceedings on behalf of his wife's estate, was appointed Personal Representative of that estate, and filed an inventory on behalf of that estate. The panel found that respondent failed to include in that inventory the alleged bequest to his wife from the first estate.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.2(c); 3.1; 3.3(a)(1),(2)and(4); 3.4(b)and(c); 4.1; and 8.4(a)-(c).

The panel ordered that respondent be reprimanded and that he make restitution to the complainant, the named devisee in the first estate, in the amount of \$1000. Costs were assessed in the amount of \$2,759.65.