IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **James Richard Arnold v Denis R Kemp**
Docket No. **261822**
L.C. No. **96-001144-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal and claim of cross appeal are DISMISSED for lack of jurisdiction because the March 15, 2005 order was not a final order at the time that the claim of appeal and claim of cross appeal were filed. If a motion for a new trial, reconsideration, rehearing, or similar postjudgment relief is filed within 21 days of the entry of a final order, the finality of the order is suspended until the trial court decides that motion. An appeal as of right may then be claimed from the final order within 21 days after entry of the order deciding the motion, which in this case is the April 25, 2005 amended judgment. See MCR 7.204(A)(1)(b). A claim of appeal that is filed while the motion is still pending is a premature claim.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 20 2005
Date

Sandra Schultz Mengel
Chief Clerk