IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Whitney Properties LLC v Palazzolo Brothers Vineyard Series Inc**
Palazzolo Brothers Vineyard Series Inc v Whitney Properties LLC
Docket No. **268875, 268876**
L.C. No. **2004-001057 CH, 2004-001622 CH**

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

The claim of appeal filed March 3, 2006, the motion for immediate consideration and for entry of an order filed March 13, 2006, and the claim of cross appeal filed March 24, 2006, are DISMISSED for lack of jurisdiction because the February 13, 2006 order was not a final order at the time that the claim was filed. If an appellant files a motion for a new trial, reconsideration, rehearing, or similar postjudgment relief within 21 days of the entry of a final order and before filing the claim of appeal, the finality of the order is suspended until the trial court denies that motion. An appeal as of right may then be claimed from the final order within 21 days after entry of the order denying the motion. See MCR 7.204(A)(1)(b). A claim of appeal that is filed before the entry of the denial order is a premature claim. The register of actions shows that the motion for relief from judgment was filed March 1, 2006, two days before the claim of appeal was filed.

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

APR 27 2006
Date

Sandra Schultz Mengel
Chief Clerk