IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Michigan Heritage Bank v Elias Jewelry & Repair of Novi**
Docket No. **296398**
L.C. No. **2008-094610-CH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order denying the motion to intervene is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). At this time, appellant may seek to appeal the order only by filing a delayed application for leave to appeal under MCR 7.205(F).

The motion to waive fees is GRANTED for this appeal only.

The motion for immediate consideration of this appeal is DISMISSED AS MOOT.

The motion for appointment of counsel is DENIED; the lower court retains the authority to appoint an attorney. MCR 7.208(G).

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

FEB 22 2010
Date

Sandra Schultz Mengel
Chief Clerk