

Court of Appeals, State of Michigan

ORDER

Archie A Van Elslander v Thomas Sebold & Associates Inc

Docket No. 298505

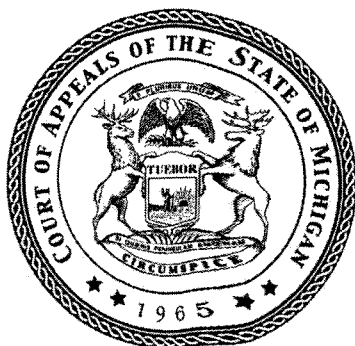
LC No. 2003-051583-CZ

Joel P. Hoekstra
Presiding Judge

Michael J. Talbot

Douglas B. Shapiro
Judges

The Court orders that the motion for reconsideration of this Court's July 6, 2010, order dismissing this appeal for lack of jurisdiction is DENIED. The claim of appeal was not timely filed from a final order appealable of right. The final judgment or final order appealable of right in this case was the December 1, 2010, judgment. MCR 7.202(6)(a)(i). Any appeal of right from that order must have been taken within "21 days after entry of the judgment," or within "21 days after the entry of an order deciding a motion new trial, a motion for rehearing or reconsideration, or a motion for other relief from the order or judgment appealed, *if the motion was filed within the initial 21-day appeal period.*" MCR 7.204(A)(1)(emphasis added). The motion for reconsideration that was denied by the trial court on May 10, 2010, was not filed within 21 days of the judgment that was appealable of right. Therefore, the order denying the motion for reconsideration cannot be used to time the filing of the claim of appeal. MCR 7.204(A)(1)(b).



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

JUL 30 2010

Date

Sandra Schultz Mengel
Chief Clerk