

Court of Appeals, State of Michigan

ORDER

Howard Zimmerman v Patrick Vincent Bell

Docket No. 301740

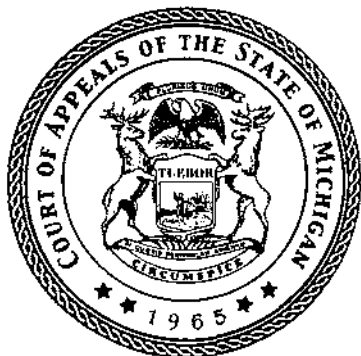
LC No. 08-007863-CK

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Amy Ronayne Krause
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. Although the order appealed from was signed on October 25, 2010, an entry for that order was not made in the circuit court register of actions until December 6, 2010. MCR 7.204(A) defines "entry" for purposes of MCR 7.204(A)(1) to mean "the date a judgment or order is signed, *or the date that data entry of the judgment or order is accomplished in the issuing tribunal's register of actions*" (emphasis added). Thus, the claim of appeal was timely filed because it was filed within 21 days after the December 6, 2010 entry of the order appealed from in the circuit court register of actions. In this regard, the specifically applicable definition of "entry" in MCR 7.204(A) must prevail over the general definition of the term in MCR 2.602(A)(2). See MCR 1.103; *Haliw v Sterling Heights*, 471 Mich 700, 706; 691 NW2d 753 (2005).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY -3 2011

Date


Chief Clerk