

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Herman Tice v Albert L Shindorf Builders Inc**
Docket No. **305470**
L.C. No. **2008-008432-CK**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the July 18, 2011 order denying a motion for reconsideration is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the underlying May 24, 2011 order denying appellants' verified motion to enforce an amended settlement agreement because that order is also not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). It is manifest that the May 24, 2011 order, as a postjudgment order denying a motion to enforce a settlement agreement, is not the first order to dispose of all claims in this case, so as to be a final order under MCR 7.202(6)(a)(i). At this time, appellants may seek to appeal either the May 24, 2011 order or the July 18, 2011 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



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

OCT 05 2011

Date


Chief Clerk