

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **C & D Capital LLC v Colonial Title Company**
Docket No. **306927**
L.C. No. **09-010683-CK**

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

The claim of appeal is DISMISSED IN PART for lack of jurisdiction. The claim of appeal from the April 12, 2011, order granting summary disposition in favor of defendant-appellees is DISMISSED for lack of jurisdiction because the claim of appeal was not timely filed with respect to this final order. MCR 7.204(A). The claim of appeal is not timely with respect the April 12, 2011, order because the postjudgment motion for attorney fees and costs did not extend the time for filing a claim of appeal from this final order. MCR 7.204(A)(1)(b); *Baitinger v Brisson*, 230 Mich App 112; 583 NW2d 481 (1998). At this time, appellant may seek to appeal the April 12, 2011, order only by filing an application for leave to appeal under MCR 7.205(F).


The appeal may proceed with respect to the October 13, 2011, order that finally decided defendant-appellee Colonial Title Company's postjudgment motion for attorney fees and costs.



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

December 5, 2011

Date


Chief Clerk