

Court of Appeals, State of Michigan

ORDER

Nationstar Mortgage LLC v Oscar Thomas

Docket No. 309160

LC No. 2011-001189-CH

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The Court orders that the motion for reconsideration is GRANTED and this Court's April 4, 2012 order is VACATED because appellant has convincingly established that the claim of appeal was timely filed under MCR 7.204(A)(1)(b).

However, on the Court's own motion, the claim of appeal is DISMISSED because the January 19, 2012 judgment appealed from is not a final judgment or order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). That judgment is not a final judgment or order under MCR 7.202(6)(a)(i) because it only disposes of this case as to defendant-appellee Oscar Thomas, not as to defendant-appellee Audrey Thomas. Further, appellant is not an aggrieved party, MCR 7.203(A), as to the January 19, 2012 default judgment in its favor against Oscar Thomas. We note that the language of the January 19, 2012 default judgment certifying it as a final order is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 401; 591 NW2d 314 (1998).



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

AUG - 8 2012

Date


Chief Clerk