

Court of Appeals, State of Michigan

ORDER

Traverse City State Bank v Marc R Anderson Sr

Docket No. 310759

LC No. 2012-008717-CK

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The Court orders that the motion for reconsideration is DENIED. Contrary to appellant's argument, *Ahrenberg Mechancial Contracting Inc v Howlett*, 451 Mich 74; 545 NW2d 4 (1996), is inapposite because, in that case, the Michigan Supreme Court concluded that the mere inclusion of language approving an order as to form and content under the signature of the appellants' attorney did not preclude the appellants from pursuing an appeal where there was no indication that the parties stipulated to the outcome and the relevant order was one of four orders confirming oral rulings of the circuit court. *Id.*, 76, 78-79. In contrast, the May 30, 2012 order appealed from in this case is expressly captioned as a consent order, includes language stating that its entry was consented to and requested by the parties' counsel with approval and authority from the parties, and clearly resolves remaining issues that were not decided by the trial court without including any language preserving the right of a party to appeal as to certain issues. We also decline appellant's alternative request to treat the claim of appeal as an application for leave to appeal the May 2, 2012 summary disposition order because we find no sound basis to grant such exceptional relief, particularly as appellant has ample time to file a delayed application for leave to appeal that summary disposition order within the six-month time limit of MCR 7.205(F)(3). We note that we consider it inappropriate to address in this context whether appellant may properly file a delayed application for leave to appeal from the May 2, 2012 summary disposition order after consenting to entry of the May 30, 2012 order resolving the case.



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

SEP 04 2012

Date


Chief Clerk