

**Court of Appeals, State of Michigan**

**ORDER**

**Betty L Vanauken Trust v Clark Hulliberger**

Docket No.   **312396**

LC No.       **12-048674-TV**

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David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the September 17, 2012 order of the Eaton Probate Court denying appellant's motion for partial summary disposition is not a final order appealable of right to this Court. MCR 5.801(B). That order is not a final order under MCR 5.801(B)(2)(i) because, as an order merely denying a motion for partial summary disposition, it does not allow, disallow, or deny any claim, but rather leaves the relevant claim(s) pending adjudication in the probate court. Notably, because the September 17, 2012 order is an interlocutory order, appellant may only seek to appeal that order by filing an application or delayed application for leave to appeal in the Eaton Circuit Court. MCR 5.801(D).



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

**OCT 24 2012**

Date

  
Chief Clerk