

**Court of Appeals, State of Michigan**

**ORDER**

**Comerica Bank v Shirley Harris**

Docket No.   **316577**

LC No.       **11-049166-CK**

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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 May 13, 2013 postjudgment order denying a motion for a new trial and finding good cause to commence executing on a judgment is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). The language in that order certifying it as a final order is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998). Further, the claim of appeal cannot be saved by treating it as being taken from the December 18, 2012 judgment, which appears to be the final judgment under MCR 7.202(6)(a)(i), because the relevant motion for a new trial was not filed within 21 days after entry of that judgment or further time allowed by the trial court during that 21-day period. MCR 7.204(A)(1)(b). At this time, appellants may seek to appeal the May 13, 2013 order by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Angela P. DiSessa, Acting Chief Clerk, on

**JUN 28 2013**

Date

A handwritten signature in cursive script that reads "Angela P. DiSessa".  
Acting Chief Clerk