

# Court of Appeals, State of Michigan

## ORDER

In re Patulski Estate

Patrick M. Meter  
Presiding Judge

Docket Nos. 317275; 317449; 320806

Michael J. Kelly

LC Nos. 12-000052-DE; 12-000152-CZ; 12-000152-CZ

Amy Ronayne Krause  
Judges

---

The Court orders that the motion to dismiss the appeals in Docket Numbers 317275 and 317449 is DENIED because appellee has not established that this Court lacks jurisdiction over these appeals. Rather, the July 12, 2013 order includes a provision admitting a will to probate in a proceeding involving a decedent estate and, thus, is appealable of right to this Court under MCR 5.801(B)(2). We note that the issues raised in appellant's brief on appeal for these appeals are immaterial to this Court's jurisdiction over these appeals because this Court was vested with jurisdiction over these appeals by the filing of the claim of appeal and payment of the entry fee before appellant's brief on appeal was even filed. MCR 7.203(B). Whether appellant is raising issues in his brief that are outside the proper scope of this appeal concerns the merits of the appeals, not whether this Court has jurisdiction over these appeals.

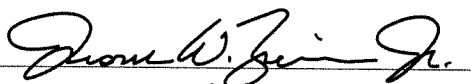
However, the motion to dismiss the appeal in Docket Number 320806 for lack of jurisdiction is GRANTED. The February 21, 2014 order is not a final order appealable of right to this Court under MCR 5.801(B)(1) but rather is a postjudgment order that does not constitute a final order.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

**MAY 27 2014**

Date

  
Chief Clerk