

Court of Appeals, State of Michigan

ORDER

Jen Taylor Inc v Carter Fowler

Docket No. 321189

LC No. 12-050577-CZ

Mark T. Boonstra
Presiding Judge

Joel P. Hoekstra

Douglas B. Shapiro
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED. An appellant is not required, in the absence of a statute or court rule so providing, to file any bond as a condition to taking an appeal. 7A Michigan Pleading & Practice, § 55:111. Neither MCR 4.201(N) nor MCR 7.209, both of which are relied upon by Appellees, conferred upon the circuit court the authority to condition Appellants' pursuit of this appeal on the payment of an appeal bond. The former rule applies only to appeals from the district court to the circuit court. MCR 4.201(N); *Bruwer v Oaks (On Remand)*, 218 Mich App 392, 397; 554 NW2d 345 (1996); 5 Longhofer, Michigan Court Rules Practice, § 4201.15. The latter rule governs only the imposition of bonds required in order to stay execution of a judgment pending appeal. MCR 7.209; 6 Longhofer, Michigan Court Rules Practice, § 7209.1. Thus, the failure to pay the bond ordered by the trial court cannot negate Appellants' right to appeal. *Sanchez v Lagoudakis*, 450 Mich 864; 539 NW2d 557 (1995); *Matthew R Abel, PC v Grossman Investments Co*, 302 Mich App 232, 236 n 1; 838 NW2d 204 (2013).



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

DEC 05 2014

Date


Chief Clerk