

Court of Appeals, State of Michigan

ORDER

Federal Home Loan Mortgage Corporation v Richard Jones

Douglas B. Shapiro
Presiding Judge

Docket No. 322365

Jane E. Markey

LC No. 14-000098-AV

Jane M. Beckering
Judges

The motions for investigation and for default judgment are DENIED. The motions to amend are GRANTED to the extent that they amend defendant's application and supporting exhibits filed in this Court, but are DENIED to the extent defendant seeks to amend pleadings filed in the circuit court.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES the June 16, 2014 order of the Berrien Circuit Court and REMANDS this matter to the circuit court for the REINSTATEMENT of defendant's appeal. The circuit court abused its discretion when it dismissed defendant's appeal where defendant's failure to comply with the deadline set by the circuit court to cure deficiencies in his appellate filing is in part attributable to the length of time taken by the district court to process defendant's transcription order, assign a court reporter and provide defendant with the costs of transcription. *Smith v Merrill Lynch Pierce Fenner and Smith*, 155 Mich App 230, 233-234; 399 NW2d 481 (1986).

This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



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

OCT 07 2014

Date

Jerome W. Zimmer Jr.
Chief Clerk