

Court of Appeals, State of Michigan

ORDER

In re Petition of Tuscola County Treasurer for Foreclosure

Docket No. 328847

LC No. 14-028294-CZ

Stephen L. Borrello
Presiding Judge

Donald S. Owens

Michael F. Gadola
Judges

The Court orders that the motion to dismiss this appeal is DENIED because appellee has not established that this Court lacks jurisdiction over this appeal as of right. *Conlon v State Treasurer*, 23 Mich App 646, 647; 179 NW2d 208 (1970), is inapposite because, unlike the order appealed from in *Conlon*, the order appealed from in this case does not merely set aside a prior judgment but includes provisions that appear to determine the rights of the parties to the relevant property with finality. Further, we reject appellee's position that the term "reversal" as used in MCR 7.202(6)(a)(i) applies only to an appellate court's reversal of an earlier final judgment or order. Rather, construed reasonably in light of the evident purpose of MCR 7.202(6)(a)(i) in allowing an appeal of right after the claims in a case have been fully disposed of, "reversal" as used in that court rule provision also encompasses a trial court setting aside its own prior final judgment or order. See *Hannay v Dep't of Transportation*, 497 Mich 45, 57; 860 NW2d 67 (2014) (statutory language should be interpreted to ascertain intent that may reasonably be inferred from words in a statute). In this regard, the tenth edition of Black's Law Dictionary relevant definition of "reversal" is "[a]n annulling or setting aside; esp., an appellate court's overturning of a lower court's decision." Black's Law Dictionary, 10th ed (2014). While this indicates that the term "reversal" is often used in reference to an appellate court reversing a trial court decision a trial court setting aside its own prior judgment or order would also fall under this definition of "reversal."



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

NOV 18 2015

Date


Chief Clerk