

**Court of Appeals, State of Michigan**

**ORDER**

In re Marston Estate

Docket No. 330329

LC No. 2015-000111-DE

Douglas B. Shapiro  
Presiding Judge

Jane M. Beckering

Mark T. Boonstra  
Judges

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The Court orders that, in lieu of granting the motion to dismiss this appeal for lack of jurisdiction, this appeal of right is TRANSFERRED to the Cass Circuit Court. MCR 5.801(E). This appeal is not in this Court's jurisdiction under MCR 5.801(B)(2) because this case does not actually involve a decedent estate where the probate court refused to open a decedent estate. However, it is manifest that the November 5, 2015 order appealed from is a final order not enumerated in MCR 5.801(B) and, thus, is appealable of right to the circuit court under MCR 5.801(C).

The Cass Circuit Court shall hear the appeal as if it had been filed in that court on November 23, 2015, which was the date the claim of appeal was filed in this Court. Appellant is directed to contact the circuit court clerk's office for directions as to any filing fee or other documents that may be required by the circuit court.

The Clerk's Office is further directed to send a copy of this order to the Court Administrator for Cass County.

This Court does not retain jurisdiction.



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

MAR 29 2016

Date

  
Chief Clerk