

Court of Appeals, State of Michigan

ORDER

FIP Construction Inc v CitiMortgage Inc

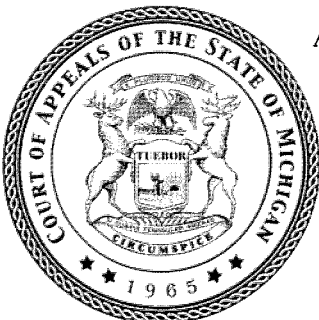
Docket No. **335378**

LC No. **16-028889-CZ**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not timely filed within 21 days after entry of the order dated July 27, 2016 and entered in the circuit court register of actions on July 28, 2016. MCR 7.204(A)(1)(a). Also, the claim of appeal cannot be considered timely under MCR 7.204(A)(1)(b) based on the trial court's October 4, 2016 order denying appellant's "Response and Objection" to an order denying an earlier motion for postjudgment relief because that "Response and Objection" was filed on August 31, 2016 and, accordingly, even if viewed as a motion, was not filed within the initial 21-day appeal period or further time allowed by the trial court within that 21-day period. Appellant may seek to appeal the July 28, 2016 order by properly filing a delayed application for leave to appeal under MCR 7.205(G).

The motion for re-instatement of appellant's motion to foreclose on its lien and other damages under a demand for jury trial is DENIED as moot.



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

NOV - 2 2016

Date


Chief Clerk