

Court of Appeals, State of Michigan

ORDER

Bruce Klaasen v Dennis Jonker

Docket No. 338257

LC No. 15-010895-CZ

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

The claim of appeal is DISMISSED IN PART for lack of jurisdiction. The claim of appeal is partially dismissed as to the November 30, 2016 order and the February 17, 2017 judgment. The November 30, 2016 order is not a final order as defined in MCR 7.202(6)(a). While issues related to that order could have been raised in a timely claim of appeal from the final order, *Bonner v Chicago Title Ins Co*, 194 Mich App 462, 472; 487 NW2d 807 (1992) (citation omitted), the claim of appeal is untimely from the February 17, 2017 judgment because it was filed more than 21 days following entry of that judgment and no motion for reconsideration of the judgment was filed. MCR 7.204(A)(1)(a) and (b). The fact that the February 17, 2017 judgment indicated that it was "not a final order and does not close the case against all parties" is not controlling for purposes of this Court's jurisdiction. Cf. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 341 (1998). The February 17, 2017 was a final order appealable by right. MCR 7.202(6)(a)(i). Further, the claim of appeal is partially dismissed as to the March 23, 2017 order. That postjudgment order is not a final order under MCR 7.202(6)(a), and an appeal of right may not be taken from that order. MCR 7.203(A).

This appeal may proceed only as to the April 17, 2017 attorney cost and fee order, which is a final order under MCR 7.202(6)(a)(iv). Appellant may seek to appeal any other orders in this case by filing a delayed application for leave to appeal within the time limit allowed by MCR 7.205(G).



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

MAY 16 2017

Date


Chief Clerk