

Court of Appeals, State of Michigan

ORDER

In re Petition of Kalamazoo County Treasurer for Foreclosure

Docket No. **345476**

LC No. **2017-000230-CZ**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. MCR 7.203(A)(1). The August 31, 2018 order, which denied a motion to set aside the judgment of foreclosure related to certain real property, is not a final order as defined in MCR 7.202(6)(a)(i). The fact that the August 31, 2018 order indicates that it “is a final order which resolves the last pending claim and closes the case” is not controlling for purposes of this Court’s jurisdiction. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400; 591 NW2d 314 (1998). The February 5, 2018 judgment of foreclosure was the first final order in the case. MCR 7.202(6)(a)(i); MCL 211.78K(5). A claim of appeal was not timely filed from that judgment of foreclosure. MCR 7.204(A)(1); MCL 211.78k(7). Moreover, the July 26, 2018 motion to set aside the judgment of foreclosure did not extend the time for filing a claim of appeal from the February 5, 2018 judgment because the motion was not filed within the initial appeal period. MCR 7.204(A)(1)(b). Dismissal is without prejudice to the filing of a late appeal under MCR 7.205(G), provided such a filing meets all requirements under the court rules and is not time-barred.



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

OCT - 9 2018

Date


Chief Clerk