

Court of Appeals, State of Michigan

ORDER

In re Murphy Estate

Docket No. **347190**

LC No. **17-001070-DE**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1) and MCR 7.211(E)(2), orders:

The motion for reconsideration is GRANTED IN PART. The order dated February 5, 2019 is VACATED IN PART to the extent that it dismissed the claim of appeal for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and MCR 7.216(A)(10).

Nevertheless, the claim of appeal is now DISMISSED for lack of jurisdiction. The November 29, 2018 order, which dismissed an objection, is not appealable by right. MCR 7.203(A)(2); MCR 5.801(A). MCR 5.801(A) defines and limits the probate orders that are appealable by right. All probate court orders not listed in MCR 5.801(A) are appealable to this Court by leave granted. MCR 5.801(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

MAR 19 2019

Date


Chief Clerk