IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Archie A Van Elslander v Thomas Sebold & Assoc Inc**
Docket No. **274966**
L.C. No. **2003-051583-CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

After plaintiff claimed an appeal from the final order in Docket No. 272396, the Oakland Circuit Court no longer had the jurisdiction to decide defendants Daniel S. Follis and Mary Elizabeth Follis' postjudgment motions seeking to modify the final order. MCR 7.208(A). Since the motions were improperly before the circuit court, they did not toll the time that defendants Follis had to file their claim of appeal. See MCR 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(a). In lieu of dismissing defendants Follis' appeal and plaintiff's cross-appeal as untimely, this Court TREATS the claim and the cross-appeal as delayed applications for leave to appeal and GRANTS them.

This appeal and the appeal in Docket No. 272396 are CONSOLIDATED to advance the efficient administration of the appellate process.

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB - 7 2007
Date

Sandra Schultz Mengel
Chief Clerk