

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Standard Supply & Lumber Company v VanAssen Builders LLC**

Docket No. **275932**

L.C. No. **05-007877 CZ**

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

The claim of appeal is DISMISSED for lack of jurisdiction because the January 10, 2007 judgment is not a final order since it does not adjudicate the rights and liabilities of plaintiff as to defendants Best Electric and Dennis Wylie Builders. See MCR 7.202(6)(a)(i). In the complaint those two defendants were named because it was alleged that they also had recorded construction liens on the property. In the relief section of count II plaintiff requested that it “be adjudged to have a valid construction lien on the property and that Plaintiff’s construction lien be declared prior to all other claims on the property.” However, on that request the January 10, 2007 judgment only states, “The Court finds that the construction lien is superior to the mortgage of Macatawa Bank.” The judgment is silent regarding plaintiffs rights as to Best Electric and Dennis Wylie Builders. It is true that those two defendants are in default, but a default, as opposed to a default judgment, does not establish the rights as to those two defendants as is required by MCR 7.202(6)(a)(i).



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

MAR 14 2007

Date

Sandra Schultz Mengel
Chief Clerk