

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **In re Leslie E Tassell Trusts**  
Docket No. **277034**  
L.C. No. **04-177973-TV**

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

The claim of appeal filed March 26, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the July 26, 2006, MCR 5.801(B)(1) final order, which disposed of appellant's petition to set aside amendment to and/or revocation of trusts, as required by MCR 7.204(A)(1)(a). Unlike a circuit court appeal where all the claims of all the parties must be decided before there is an appeal of right, a probate court appeal of right is required to be filed whenever an order is entered that falls within one or more of the 28 categories of MCR 5.801(B)(1)(a) through (bb). As stated a final order is "defined as and limited to orders resolving the following matters." In this particular case the MCR 5.801(B)(1) final order resolving appellant's petition was the July 26, 2006 order for which no claim of appeal was filed within 21 days. The entry of that last order of March 6, 2007, does not restart the time period for filing an appeal from the earlier final order. See *Klco v Dynamic Training Corporation*, 192 Mich App 39(1991) and *Baitinger v Brisson*, 230 Mich 112 (1998). The Court would note that even if MCR 7.202(6)(a)(i) has some relevance to a probate court appeal, which it does not, it would not be of assistance to appellant because an order dismissing a matter without prejudice does not fall within MCR 7.202(6)(a)(i), *Detroit v Michigan*, 262 Mich App 542 (2004).



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

APR 25 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk