

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Jeffery Alan Bailey v Deborah Jo Bailey**  
Docket No. **278145**  
L.C. No. **07-038467-NO**

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

The claim of appeal filed on May 22, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the April 24, 2007, MCR 7.202(6)(a)(i) final order that dismissed the case as required by MCR 7.204(A)(1)(a). MCR 7.204(A)(1)(b) is inapplicable to this case. The facts show that on April 10, 2007, an interlocutory order was entered requiring the posting of a security bond. On April 23, 2007, appellant filed an interlocutory motion to modify the April 10, 2007 order. On April 24, 2007, the dismissal order was entered. Appellant never filed a motion challenging the dismissal order. On May 10, 2007, an order was entered denying the motion to modify the April 10, 2007 order. Though appellant still had time to file a timely claim of appeal from the April 24, 2007 order, no claim of appeal was filed within 21 days of April 24, 2007. MCR 7.204(A)(1)(b) is inapplicable because the motion filed was not a motion for new trial, nor a motion to reconsider the dismissal, which is the order being appealed, nor was it a motion seeking postjudgment relief as it was filed prior to entry of the judgment and it was attacking an interlocutory order entered in the case. Any appeal must be by application for leave to appeal under MCR 7.205.



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

JUN 21 2007

Date

*Sandra Schultz Mengel*

Chief Clerk