

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Lone Eagle Development LLC v Mundy Township Zoning Board of Appeals**  
Docket No. **279155**  
L.C. No. **01-070895-AA**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal and claim of cross appeal are **DISMISSED** for lack of jurisdiction. In reviewing the lower court record the only complaint filed in the case was an appeal of the zoning board of appeals decision. Therefore, the June 18, 2007 order constitutes a circuit court order on appeal from a tribunal for which there is no appeal of right. See MCR 7.203(A)(1)(a). Second, it is not a final order, but a postjudgment order. The MCR 7.202(6)(a)(i) final order actually was the circuit court order that reversed the decision of the zoning board of appeals. That was the first order that disposed of the claims of all the parties. If that was not the final order, then it would have been the September 2002, consent judgment. All the plaintiff was doing when filing the motion to show cause was seeking the enforcement of a previous order. In that situation there is not going to be a MCR 7.202(6)(a)(i) final order. Any appeal by the parties 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

AUG - 3 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk