

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Steven Phillip Smead v Jessica Dionne Lapekas**
Docket No. **280914**
L.C. No. **2003-001849-DM**

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 order denying a change in domicile is a postjudgment order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii) and MCR 7.203(A)(1). When a change of domicile is denied, the custodial rights of the parties remain the same. Furthermore, the claim of appeal was untimely filed as the motion for reconsideration was not filed within 21 days of the May 31, 2007 order as required by MCR 7.204(A)(1)(b). This Court agrees with the trial court that what was filed in August 2007 was a motion for reconsideration and not a new motion. As a result, appellant may only appeal by filing an application for leave to appeal under MCR 7.205.



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

OCT 15 2007
Date

Sandra Schultz Mengel
Chief Clerk