

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Juanita W Minor v Robert L Minor**
Docket No. **282113**
L.C. No. **06-267679-DO**

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 what is involved is a postjudgment order that does not affect the custody of a minor. Such an order is not a final order. See MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii) and MCR 7.203(A)(1). The final order is the July 11, 2006 judgment of divorce. Furthermore, if a final order could have been subsequently entered, it would have been the May 24, 2007, order for which this claim of appeal would have been untimely as the claim was neither filed within 21 days of May 24, 2007, as required by MCR 7.204(A)(1)(a); nor was the motion to set aside the order filed within 21 days as required by MCR 7.204(A)(1)(b). Neither a order denying a motion to set aside a previous order, nor an order denying reconsideration of an order denying a motion to set aside a previous order can be a final order. See *Allied Electric v Tenaglia*, 461 Mich 285 (1999). As a result, appellant may challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



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

DEC 12 2007

Date

Sandra Schultz Mengel

Chief Clerk