

Court of Appeals, State of Michigan

ORDER

Lucille Mirkle v Valerie Ann Obenchain

Docket No. 325596

LC No. 14-052959-PH

William B. Murphy
Presiding Judge

Jane M. Beckering

Douglas B. Shapiro
Judges

The Court orders that the motion to challenge this Court's jurisdiction is recognized as constituting a motion to dismiss the claim of appeal. The motion to dismiss the claim of appeal is GRANTED. The claim of appeal is not timely under MCR 7.204(A)(1)(b) because the relevant motion for reconsideration in the trial court was not filed within 21 days after entry of either order appealed from or within further time allowed by the trial court within that 21-day period. Further, the claim of appeal cannot be deemed timely under MCR 7.204(A)(3) based on any untimely service of either order appealed from because the claim of appeal was not filed within 14 days after the date appellant indicates she was served with the orders appealed from. In this regard, nothing in MCR 7.204(A)(3) or any other court rule provision cited by appellant provides the remedy of extending the time for filing a motion for reconsideration in the trial court for purposes of the timeliness of filing a claim of appeal in this Court. The time limit for filing an appeal of right is jurisdictional. MCR 7.204(A). Appellant may seek to appeal the November 6, 2014 or November 18, 2014 order by filing a delayed application for leave to appeal under MCR 7.205(G).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 03 2015

Date

Chief Clerk