

Court of Appeals, State of Michigan

ORDER

Beth Ann Asperger v Township of Denmark

Docket No. 314747

LC No. 12-027366-CZ

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the January 22, 2013 order denying a motion for reconsideration is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the claim of appeal cannot be saved by treating it as being taken from the apparent final order dated December 15, 2012 and entered in the circuit court register of actions December 18, 2012 because the claim of appeal was not filed within 21 days of entry of that order and the motion for reconsideration of that order was not filed within the initial 21-day appeal period or within further time allowed by the trial court during that 21-day period. MCR 7.204(A)(1)(a)-(b). Specifically, the motion for reconsideration was not filed until January 9, 2012, which was 22 days after entry of the December 18, 2012 apparent final order. At this time, appellants may seek either the December 18, 2012 order or the January 22, 2013 order by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 01 2013

Date


Chief Clerk