IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Coldwell Banker Preferred v Mincom Real Estate**
Docket No. **266824**
L.C. No. **05-513020-CZ**

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 since appellants failed to file their motion to set aside the August 3, 2005 default judgment within 21 days of the judgment's entry. MCR 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(b). Moreover, appellants cannot claim an appeal from the October 20, 2005 order denying the motion to set aside the default judgment seeing as an order denying this type of motion is no longer a final order from which one may claim an appeal. *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999). Even if appellants could claim an appeal from the order denying the motion to set aside, the Court would still lack jurisdiction over the appeal in view of the fact that appellants failed to file their claim within 21 days of the entry of the October 20, 2005 order denying the motion. If appellants still want to appeal the orders in question, they must file a delayed application for leave to appeal. MCR 7.203(A)(1) and 7.203(B)(5).

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

DEC 28 2005
Date

Sandra Schultz Mengel
Chief Clerk