

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Vicki Howard v Michael Demos**
Docket No. **279480**
L.C. No. **2006-078699-CK**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed on July 19, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 21 days of the March 21, 2007 denial of the motion to set aside the default judgment. See MCR 7.204(A)(1)(b). It was the default judgment that was the final order and the motion for reconsideration of the March 21, 2007 order could not extend the time to file the claim of appeal further since it was not filed within 21 days of the default judgment. See *Allied Electric v Tenaglia*, 461 Mich 285 (1999). It is irrelevant that the trial court decided the merits of the motion for reconsideration as the trial court cannot enter any order that extends the time period to file the claim of appeal. See MCR 7.208(C). Any appeal by appellants must be by application for leave to appeal under MCR 7.205.



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

AUG - 3 2007

Date

Sandra Schultz Mengel
Chief Clerk