

Court of Appeals, State of Michigan

ORDER

In re McNeely Estate

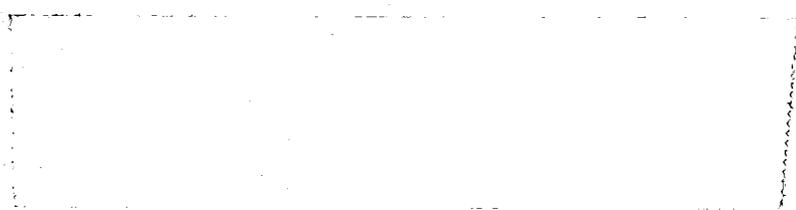
Docket No. **318861**

LC No. **2011-338677-DE**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. MCR 7.203(F)(1); MCR 5.801(B). The September 9, 2013, order denying the petition to reopen the estate is not a final order as defined in MCR 5.801(B) and, therefore, it is not appealable of right. MCR 5.801(B). Contrary to appellants' claim, the order denying the petition to reopen the estate is not a final order under MCR 5.801(B)(2)(a) because it does not contain an explicit ruling on the request to appoint co-personal representatives. It appears that the trial court never reached that request because it denied the motion to reopen the estate.

At this time, appellants may seek to appeal the September 9, 2013, order only by filing an application for leave to appeal under MCR 7.205.



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



NOV 13 2013

Date

Chief Clerk