

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>APPEAL WORKSHEET FOR CLAIM OF APPEAL OF RIGHT</b>	<b>CASE NO. CIRCUIT COURT DISTRICT COURT</b>
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	LAST DATE FOR FILING	DATE ACTUALLY FILED
Date of judgment/order: _____		
1. a. File appeal in circuit court .....	_____	_____
b. File copy of claim of appeal in district court .....	_____	_____
c. Pay fee in circuit court .....	_____	_____
d. Set/file bond in district court (if applicable) .....	_____	_____
e. File copy of bond in circuit court (if applicable) .....	_____	_____
f. File proof that money, property, or documents delivered/deposited (if applicable) .....	_____	_____
g. File/order transcript .....	_____	_____
<input type="checkbox"/> Transcript unavailable - settled statement of facts filed along with certifying order .....	_____	_____
h. Pay district court:		
Taxable costs .....	_____	_____
\$25 appeal fee .....	_____	_____
2. Serve appellee copies of:		
a. Entire record on appeal, including transcripts and exhibits in appellant's possession .....	_____	_____
b. Copy of bond or waiver (if applicable) .....	_____	_____
c. Statement re: payment of fees .....	_____	_____
d. Recorder's/reporter's certificate .....	_____	_____
3. File proof of service in circuit court .....	_____	_____
4. File proof of service in district court .....	_____	_____
5. a. <b>Applies to appellee only:</b> file appearance with circuit court and identify individual appellate attorneys .....	_____	_____
b. <input type="checkbox"/> File cross appeal .....	_____	_____
6. Transcript filed by recorder/reporter .....	_____	_____
7. Certificate of records transmitted on appeal .....	_____	_____
8. Record transmitted, including transcript and docket entries .....	_____	_____

## CHECKLIST FOR APPEALS FROM DISTRICT COURT TO CIRCUIT COURT

NOTE: This checklist should not be used for appeals from an administrative agency to the circuit court.

1. Within 21\* days or time allowed by statute after entry of judgment, order, or decision appealed, \*\* appellant must:
  - a. file a claim of appeal\*\*\* in circuit court. The following documents must be filed with the claim of appeal:
    - i) a copy of the judgment, order, or decision appealed.
    - ii) a copy of the certificate of the court reporter/recorder or a statement that the transcript has been ordered pursuant to MCR 7.109(B)(3)(a). If nothing is to be transcribed, a statement must be filed to this effect. A district judge may order excerpts of transcript or no transcript, but only on appellant's motion with notice to appellee. If a transcript is unavailable, appellant must file with the district court a settled statement of facts and certifying order pursuant to MCR 7.210(B)(2).
    - iii) if appellant has filed a bond, a copy of the bond.
    - iv) proof that money, property, or documents have been delivered or deposited as required by law.
    - v) a copy of the register of actions, if any.
    - vi) proof that the appeal fee\*\*\*\* has been paid.
    - vii) anything else required by law to be filed.
    - viii) proof that a copy of the claim of appeal and other required documents were served on all parties, the district court, and any other person or officer entitled by law to notice of the appeal.
  - b. pay appeal fee to circuit court clerk.
  - c. if applicable, get bond on appeal set (or denied), approved, and posted in district court.
  - d. pay taxable costs of prevailing party together with \$25 \*\*\*\*\* to clerk of district court.
2. Within the time for taking the appeal, appellant must serve on the district court:
  - a. a copy of claim of appeal (showing **circuit court** file number).
  - b. any fee required by law.
  - c. any bond required by law as a condition for taking appeal.
  - d. unless there is nothing to be transcribed, a certificate of the court reporter/recorder or a statement that the transcript has been ordered and payment has been made or secured. If a statement is filed, the certificate must be filed within 7 days after the transcript is ordered by a party or the court.
3. Within 7 days after a transcript is ordered, the court reporter/recorder must provide a certificate that the transcript has been ordered and payment made or secured, and that it will be filed as soon as possible or has already been filed.
4. The court reporter/recorder must file the transcript with the district court within 28 days after the transcript is ordered for an appeal from the dismissal or reduction of a felony charge following a preliminary examination. In all other cases, the court reporter/recorder must file the transcript within 56 days after the transcript is ordered. Immediately after the transcript is filed, the court reporter/recorder must notify the circuit court and all parties that the transcript has been filed and must file in the circuit court an affidavit of mailing of notice to the parties.
5. Within 14 days after the transcript has been filed, appellant must serve a copy of the entire record on appeal, including transcripts and exhibits in his or her possession, on each appellee. Proof that the record was served must be promptly filed with the district court and circuit court.
6. Within 14 days after being served the claim of appeal, appellee must file an appearance in the circuit court identifying the individual appellate attorneys. **An appellee who does not file an appearance is not entitled to notice of further proceedings.** Appellee may also file a cross claim within this 14-day period. If a cross claim is filed, the cross appellant must also file transcript certificates or statements that there is nothing to transcribe within 14 days of an order dismissing the initial appeal if the cross claim will still be pursued.
7. Within 14 days after the transcript has been filed or a certified copy of the record has been requested, the district court must send the record to the circuit court. The circuit court must immediately send written notice to the parties when the record is filed.

\* Within 10 days in landlord-tenant possessory actions

\*\* Judgment (sentence) or denial of timely-filed motion for new trial, a motion for rehearing or reconsideration, or a timely-filed motion for other relief from the judgment, order, or decision

\*\*\* See form MC 55 (MCR 7.104[B] and [C])

\*\*\*\* \$150 beginning October 1, 2003

\*\*\*\*\* Compare MCL 600.6536 with MCL 600.2528 and MCL 600.2529