

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Roger Grates v Richard Garst**
Docket No. **263145**
L.C. No. **03-016929-CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the April 28, 2005 order denying appellant's motion to set aside an October 27, 2004 judgment in plaintiffs' favor is DISMISSED for lack of jurisdiction in view of the fact that the April 2005 order is a postjudgment order that is not appealable as a matter of right. MCR 7.202(6)(a)(i) and 7.203(A)(1). See also *Allied Electric Supply Co v Tenaglia*, 461 Mich 285, 288; 602 NW2d 572 (1999). If appellant still wants to appeal the orders in question, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).

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



JUN 24 2005

Date

Sandra Schultz Mengel
Sandra Schultz Mengel
Chief Clerk