

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
Chief Clerk