

In the
Indiana Supreme Court



George SINGLETON, III,
Appellant,

v.

Edward ROGELL,
Appellee.

) Court of Appeals Cause No.
) 49A02-0505-CV-376
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ORDER DENYING MOTION TO TRANSFER


Appellant, George Singleton III, *pro se*, has filed a "Motion To Transfer To The Supreme Court" pursuant to Appellate Rule 56(A). The Court DENIES his Motion for multiple reasons.

A First, Singleton's appeal is untimely. Singleton appeals from default judgment entered against him on December 20, 2004. Among other things, the order granting default judgment required Singleton to vacate certain real property and declared Appellee Edward Rogell the fee simple owner of that property. *Forty-nine days later*, on February 7, 2005, Singleton filed his "Notice Of Interlocutory Appeal" with the Marion Superior Court clerk, stating his Notice was premised on Appellate Rule 14(A). Rule 14(A) required Singleton to file his Notice Of Appeal with the trial court clerk "within thirty (30) days of the entry of the interlocutory order." Ind. Appellate Rule 14(A). (Further, even if Singleton mischaracterized the order from which he appealed as "interlocutory" rather than "final," the deadline for filing the notice of appeal remained the same. *See* App. R. 9(A)(1).) Because Singleton's Notice Of Appeal is untimely, he has forfeited his right to appeal. *See* App. R. 9(A)(5).

* Second, even if his appeal were timely, we would not grant Singleton's Motion. Rule 56(A) motions must be verified, App. R. 56(A), and Singleton's Motion is not. Further, expedited transfer under Rule 56(A) is reserved for "rare cases" involving both "a substantial question of law of great public importance" and "an emergency . . . requiring a speedy determination." App. R. 56(A). This matter does not qualify as one of those "rare cases."

* The Clerk shall send a copy of this order to the Hon. James Kirsch, Chief Judge, Indiana Court of Appeals; Steven F. Lancaster, Administrator, Indiana Court of Appeals; Kent Zepick, Staff Counsel, Indiana Court of Appeals; George Singleton III, *pro se*; and counsel of record.

Done at Indianapolis, Indiana, this 23rd day of June, 2005.


Brent E. Dickson
Acting Chief Justice of Indiana

All justices concur.