

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

NOVEMBER 28, 1995

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62(1), STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-1632-FT

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT III

IN THE MATTER OF
THE PETITION OF
ARNOLD J. HILL and
KATHRYN C. HILL:

TANNISSE JOYCE,

Appellant,

v.

ARNOLD J. HILL
and KATHRYN C. HILL,

Respondents.

APPEAL from an order of the circuit court for Sawyer County:
NORMAN L. YACKEL, Judge. *Appeal dismissed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Tannisse Joyce appeals an order that denied her motion to set aside an earlier trial court order.¹ The first trial court order vacated a land plat under § 236.43, STATS., involving publicly dedicated land. Joyce did not appeal the first trial court order, and her motion to set aside that order raised nothing substantively different from what she had raised in the earlier trial court proceedings. Under these circumstances, *Ver Hagen v. Gibbons*, 55 Wis.2d 21, 197 N.W.2d 752 (1972), bars her appeal. Litigants who miss the deadline to appeal a trial court order cannot extend this deadline by first moving the trial court to set aside its earlier order and then appealing the trial court's new order denying their motion. *Id.* at 24-26, 197 N.W.2d at 754-55. Rather, litigants may appeal the second order only if they raised new issues in their motions to set aside the first order. *Id.* Moreover, such appeals reach only the new issues. We see nothing in this appeal that removes it from the *Ver Hagen* rule. As a result, we order the appeal's dismissal.

By the Court. – Appeal dismissed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.

¹ This is an expedited appeal under RULE 809.17, STATS.