IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Murray Financial Services Inc v T M Carey & Associates**
Docket No. **275868**
L.C. No. **01-001276 CZ**

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

The claim of appeal is DISMISSED for lack of jurisdiction because the December 6, 2006 order does not fall within MCR 7.202(6)(a)(iv). If it was the intent of the Supreme Court to make every postjudgment order that assessed attorney fees a final order under MCR 7.202(6)(a)(iv), the court rule would simply read, "a postjudgment order awarding or denying attorney fees and costs." However, by adding the language "under MCR 2.403, MCR 2.405 ..." the Supreme Court was clearly limiting the type of postjudgment order that assessed costs that could be appealed by right. In this case the civil contempt order that assessed $4,000.00 costs to enforce the previous final order does not fall within the court rules cited or any other similar statute or court rule. As such, any appeal by the appellants must be by application for leave to appeal under MCR 7.205.

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

FEB 15 2007
Date

Sandra Schultz Mengel
Chief Clerk