

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Wesley S Smith v Barbara Smith**
Docket No. **301664**
L.C. No. **97-724103-DM**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the December 2, 2010 order appealed from is not a final order as defined in MCR 7.202(6). MCR 7.203(A)(1). The postjudgment order regarding child support cannot be considered an order affecting the custody of a minor under MCR 7.202(6)(a)(iii). At this time, appellant may seek to appeal the December 2, 2010 order only by filing a delayed application for leave to appeal under MCR 7.205(F).

The motion to waive fees is GRANTED for this case only.



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

JAN - 5 2011

Date

Sandra Schultz Mengel
Chief Clerk