

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Nelson Templeton v Loretta Templeton**

Docket No. **307231**

L.C. No. **1999-002438-DO**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the August 25, 2011, postjudgment order requiring payment of health insurance costs and alimony is not a final order as defined in MCR 7.202(6)(a). MCR 7.203(A)(1). Further, even though the November 1, 2011, order amended the August 25, 2011, order to provide that the August 25th order is a "a final order," the November 1st order cannot transform the August 25th order into a final order for purposes of appellate court jurisdiction if, as here, it does not fit under the definitions of "final order" contained in MCR 7.202(6)(a).

To the extent that the appeal is taken from that portion of the postjudgment order that denies defendant's request for attorney fees and costs, this Court lacks jurisdiction of the appeal because plaintiff is not an aggrieved party from that portion of the order. MCR 7.202(6)(a)(iv); MCR 7.203(A). At this time, plaintiff may seek to appeal the August 25, 2011 and/or November 1, 2011 orders only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

DEC 06 2011

Date


Chief Clerk