

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Beverly L Kaiser v Thomas A Kaiser**
Docket No. **309962**
L.C. No. **11-001606-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 April 9, 2012 judgment of divorce is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). The judgment of divorce is not a final order under MCR 7.202(6)(a)(i) because it does not dispose of all claims of the parties. Particularly, the trial court's direction to the parties to reach an agreement as to the disposition of personal property not awarded to either party in the judgment of divorce with the trial court to decide the disposition of that remaining personal property if the parties fail to reach an agreement amounts to a failure by the trial court to dispose of the parties' claims as to that remaining personal property. Further, the trial court's inclusion of language in the judgment of divorce certifying it as a final order is not controlling. *Faircloth v Family Independence Agency*, 232 Mich App 391, 400-401; 591 NW2d 314 (1998). At this time, appellant may seek to appeal the April 9, 2012 judgment of divorce 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

MAY 11 2012

Date


Chief Clerk