

Court of Appeals, State of Michigan

ORDER

Alfred Hartman Peterson III v Jane E Peterson

Docket No. 310798

LC No. 08-003910-DO

Jane M. Beckering
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

The Court orders that the motion for immediate consideration is DENIED.

The motion to dismiss this appeal for lack of jurisdiction is also DENIED. It is apparent that the April 4, 2012 order appealed from alters the actual written content of the parties' divorce settlement agreement by adding a specific requirement for appellant to pay long term care insurance premiums for appellee. Because the divorce settlement agreement was incorporated by reference into the judgment of divorce, it follows that the order appealed from alters the judgment of divorce in this regard. Thus, we conclude that the April 4, 2012 order appealed from constitutes a new final order under MCR 7.202(6)(a)(i) based on its proviso allowing for a new final order after "reversal" of an earlier final order. Accordingly, the April 4, 2012 order is appealable of right. MCR 7.203(A)(1).



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

OCT 23 2012

Date


Chief Clerk