

Court of Appeals, State of Michigan

ORDER

Merry V Pack v Roger Van Heck

Docket No. 312507

LC No. 75-804460-DP

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. First, the claim of appeal was filed *before* the order that appellant subsequently indicated he is appealing, but a claim of appeal must be filed *after* entry of the order appealed from. See MCR 7.204(A)(1)(a)-(b). Further, regardless of when the claim of appeal was filed, the September 27, 2012 order is not appealable of right because that order 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 September 27, 2012 order by filing an application or delayed application for leave to appeal, as may be appropriate, under MCR 7.205(F).

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



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

OCT-23 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk