

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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AMBROSE, INC,

Plaintiff-Appellant,

v

MCNAMARA & ZACHARIAS, INC.,

Defendant,

and

CITY BANK & TRUST CO.,

Defendant-Appellee,

and

JOSEPH L. HARDIG, III,

Appellee.

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Before: Marilyn Kelly, P.J., and Gribbs and W. E. Collette,\* JJ.

PER CURIAM.

Plaintiff appeals the Oakland County Circuit Court judgment and order awarding attorney fees to defendant City Bank and Trust Co. (City Bank). We reverse.

Plaintiff filed a complaint in this matter in Oakland County Circuit Court. Defendant City Bank filed a motion for change of venue. The motion for change of venue was granted and, on June 25, 1990, an order was entered changing the venue of plaintiff's claim to Jackson County Circuit Court. Subsequently, plaintiff's action was dismissed by a Jackson County Circuit Court judge for failure to pay the proper fee for the transfer of the case from Oakland to Jackson County. Plaintiff's motion for reinstatement was denied. Defendant City Bank's motion for costs was also denied by the Jackson

\* Circuit judge, sitting on the Court of Appeals by assignment.

County court, which concluded that it did not have jurisdiction over the dismissed cause of action. Neither party appealed the decisions of the Jackson County court.

On October 22, 1991, City Bank brought a motion for sanctions and costs in Oakland County Circuit Court. City Bank contended that Oakland County Circuit Court retained jurisdiction because the transfer of the case was never effectuated. The Oakland County Circuit Court judge agreed and entered an opinion and order on defendant City Bank's motion for costs. We need not reach plaintiff's issues concerning the decision of the Oakland County Circuit Court judge to grant sanctions against plaintiff, because we conclude that Oakland County lacked jurisdiction over plaintiff's cause of action.

Whether the Oakland County trial court had proper jurisdiction is a question of law for this Court to decide. *Dlaikan v Roodbeen*, 206 Mich App 591, 592-593;522 NW2d 719 (1994). The trial court's determination of a jurisdictional issue is reviewed de novo. *Jeffrey v Rapid American Corp*, 448 Mich 178, 184; 529 NW2d 644 (1995).

It is axiomatic that, "once venue has been changed and a different circuit assumes jurisdiction, the court assuming jurisdiction is vested with all of the authority." *Sugar v Thomas*, 25 Mich App 41, 44;181 NW2d 59 (1970); MCL 600.1651; MSA 27A.1651. The transferor court loses jurisdiction when the judge executes the order granting change of venue. See *Saba v Gray*, 111 Mich App 304, 311-312;314 NW2d 597 (1981). Moreover, Jackson County accepted the transfer of jurisdiction when it entered the dismissal for failure to pay the transfer fee. MCR 2.223(B)(2).

Oakland County Circuit Court erred in determining that it retained jurisdiction to render an opinion with regard to defendant City Bank's motion for costs in this matter. The remaining issues are moot in light of our decision.

Reversed.

/s/ Marilyn Kelly  
/s/ Roman S. Gibbs  
/s/ William E. Collette