

**Court of Appeals, State of Michigan**

**ORDER**

Jane C. Fahey v William K. Fahey

Bill Schuette  
Presiding Judge

Docket No. 273700

Stephen L. Borrello

LC No. 94-084658-DM

Alton T. Davis  
Judges

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The Court orders that in lieu of granting the application for leave to appeal, the order is **SUMMARILY AFFIRMED** with respect to the granting of the motion for modification of child support, but **VACATED** and **REMANDED** as it pertains to the abatement of child support and the award of attorney fees.

On remand, the trial court shall reconsider the request for abatement of child support for the period of February 2, 2001 to April 29, 2005 in light of the defendant's written requests for abatement dated April 30, 2002, July 29, 2002, and January 7, 2003. The trial court shall reconsider the award of attorney fees on remand after affording plaintiff an opportunity to establish that she "is unable to bear the expense of the action." MCR 3.206(C)(2)(a).

This Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 3 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk