IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Douglas P Marker v Rhonda M Marker**
Docket No. **280832**
L.C. No. **05-002803-DN**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order being appealed is a postjudgment order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii) and MCR 7.203(A)(1). In *Thurston v Escamilla,* 469 Mich 1009(2004) the Supreme Court concluded that an order that allowed a change of domicile affected custody in that case because the opposing party was now being deprived of his joint custodial rights. In this case the order does not change any custodial rights. As a result, appellant may challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.

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

OCT 15 2007
Date

Sandra Schultz Mengel
Chief Clerk