

Court of Appeals, State of Michigan

ORDER

MARK DIMPFL V LINDA DIMPFL

Docket No. 284256

LC No. 2001-649911-DM

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Pat M. Donofrio
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the August 15, 2007 order of the Oakland Circuit Court, Family Division, is REVERSED to the extent it holds that plaintiff is barred from seeking further modification of his spousal support obligation. The Court which issues a judgment of divorce retains the power to revise its provisions regarding spousal support upon an appropriate showing of a change in circumstances. MCL 552.28; *Lemmen v Lemmen*, 481 Mich 164, 166-167; 749 NW2d 255 (2008); *Koy v Koy*, 274 Mich App 653, 661-662; 735 NW2d 665 (2007). Parties to a consent judgment may waive their statutory right to seek modification of alimony, but such a waiver must be clear and unambiguous and reflected in the consent judgment. *Staple v Staple*, 241 Mich App 562, 581; 616 NW2d 219 (2000). Review of the consent judgment of divorce does not indicate that the parties clearly and unambiguously waived or limited their right to seek subsequent modification of the alimony award.

The Court retains no further jurisdiction.



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

AUG 06 2008

Date

Sandra Schultz Mengel
Chief Clerk