

REL: 09/14/2018

STATE OF ALABAMA -- JUDICIAL DEPARTMENT
THE COURT OF CIVIL APPEALS
SPECIAL TERM, 2018

2170309

Frederick Cheeks v. Karen Michelle Cheeks.
Appeal from Montgomery Circuit Court (DR-16-900841).

PITTMAN, Judge.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(C), Ala. R. App. P.; Ala. Code 1975, § 30-3-151(5); Rule 32(B)(2), Ala. R. Jud. Admin.; Kirby v. City of Anniston, 720 So. 2d 887, 889 (Ala. 1998); Lowery v. Lowery, 72 So. 3d 701, 704-05 (Ala. Civ. App. 2011); Burleson v. Burleson, 875 So. 2d 318, 320-21 (Ala. Civ. App. 2003); Glover v. Glover, 678 So. 2d 174, 176 (Ala. Civ. App. 1996); and State ex rel. Smith v. Smith, 631 So. 2d 252, 255 (Ala. Civ. App. 1993).

The appellant's request for an award of an attorney fee on appeal is denied.

The appellee's request for taxation against the appellant of "all costs," to the extent that that request seeks "an award of attorney fees" and awards of other claimed amounts not within the scope of Rule 35, Ala. R. App. P., is treated as a request for an award of an attorney fee on appeal, cf. Ex parte Bland, 796 So. 2d 340, 345 (Ala. 2000), and, as so treated, is granted in the amount of \$1,700, but is otherwise denied. To the extent that the appellee's request seeks the taxation of costs within the scope of Rule 35, Ala. R. App. P., the certificate of judgment subsequently to be entered in this case (see Rule 41, Ala. R. App. P.) will respond to that issue.

Thompson, P.J., and Thomas, Moore, and Donaldson, JJ.,
concur.