

STATE OF MICHIGAN
COURT OF APPEALS

LAURIE E. EASTMAN,

Plaintiff-Appellee,

v

ROBERT P. EASTMAN,

Defendant-Appellant.

UNPUBLISHED

September 17, 1999

No. 204465

Lapeer Circuit Court

LC No. 84-009467 DM

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Defendant appeals by leave granted from the trial court's order denying his petition for de novo review of a Friend of the Court referee decision regarding child support. We reverse and remand.

Upon defendant's timely objection to the referee's recommendation regarding support, the trial court was obliged to hold a de novo evidentiary hearing on the matter, unless both parties consented to limiting the trial court's review to the transcript of the referee hearing. MCL 552.507(5); MSA 25.176(7)(5); MCR 3.215(E)(3)(b), (F)(2); *Cochrane v Brown*, 234 Mich App 129; 592 NW2d 123 (1999). Because defendant did not consent to the trial court limiting its review to the pleadings and the transcript of the referee hearing, the trial court erred in upholding the referee's recommendation without conducting a new evidentiary hearing of its own. Accordingly, we remand this case for a de novo hearing.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder