ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
LARRY D. VAUGHT, JUDGE

DIVISION III

CA07-574

February 20, 2008

WILLIAM JASON ARRINGTON
APPELLANT

V.

JILL MARIE ARRINGTON
APPELLEE

APPEAL FROM THE COLUMBIA COUNTY CIRCUIT COURT
[DR2006-192-3]

HON. EDWIN A. KEATON, CIRCUIT JUDGE

DISMISSED

This is an appeal from a divorce decree that was entered on January 24, 2007, granting appellant William Jason Arrington a divorce from appellee Jill Marie Arrington on the ground of general indignities. William argues four points of error on appeal. First, he asserts that the trial court erred in omitting the ground of adultery in the final decree. Next, he claims that the trial court granted an "inappropriate amount of child support." He also alleges that the trial court erred in granting an "inequitable division of property." Finally, he claims that the trial court's refusal to grant his motion for new trial was reversible error.

Prior to the entry of its decree, on December 14, 2006, the trial court conducted a hearing on this matter. At the outset of the hearing the court noted that it was under the impression that the parties had reached a settlement on all issues. Both William's and Jill's attorneys announced the terms of the parties' agreement, which provided for shared custody

of the minor child but designated Jill as the primary custodial parent. It also ordered William to pay child support at the rate of $304 every two weeks, established the visitation schedule in some detail, and indicated that the parties had already made an agreement relating to the division of their real and personal property.

The court requested that each party verify, on the record, that they agreed with the settlement announced. William acknowledged that he had heard the settlement agreement that had been recited into the record and that it was his understanding that it reflected his agreement with Jill. Likewise, Jill made a similar affirmation as to the accuracy of the agreement and waived corroboration of grounds. Upon questioning from the trial court, William testified that he was seeking a divorce from Jill on the grounds of adultery and that Jill had treated him with such indignities as to render his life intolerable. The trial court then announced that it would grant William an absolute divorce on the ground of general indignities and that it would adopt, as its order, the parties' agreement relative to custody, visitation, child support, division of debt, and division of assets. Following the entry of this order, William filed a motion for new trial, which was ultimately denied.

It is from both the divorce decree and the denial of his motion for new trial that William, serving as his own appellate counsel, seeks review. At the outset we note that although William's brief contains argument concerning both the divorce decree and the denial of his motion for new trial, William's notice of appeal only mentions "the decree entered by the Court in this cause on January 24, 2007." Pursuant to our rules, orders not mentioned in the notice of appeal are not properly before the appellate court. *See McDonald v. State*, 356

Ark. 106, 146 S.W.3d 883 (2004). As such, we have no jurisdiction to consider William's arguments relating to the denial of his new trial motion.

Next, we turn our attention to William's claims of error relating to the divorce decree. After a careful review of the record, we find that William consented to the divorce and to the terms of the decree because he received precisely the relief that he requested. Our court, in *Lawson v. Madar*, 76 Ark. App. 23, 24, 60 S.W.3d 497, 498 (2001), explained the law as it relates to consent decrees:

> A party is not aggrieved by a judgment, order, decree, or ruling regularly rendered or made, on agreement or otherwise, with his express or implied consent, therefore he cannot appeal or sue out a writ of error to review it ... A party consenting to a judgment is conclusively presumed to have waived all errors, except those going to the jurisdiction of the court.

(quoting 4 C.J.S. *Appeal and Error* § 189). "Consent, it is said, excuses error and ends all contention between the parties." *Lawson*, 76 Ark. App. at 24, 60 S.W.3d at 498. Our laws do not permit a party to agree to the entry of an order at trial then contend on appeal that the trial court erred by entering it. Therefore, because William consented to the judgment and is conclusively presumed to have waived all errors, we dismiss the appeal.[1]

Dismissed.

GRIFFEN and BAKER, JJ., agree.

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[1]On February 11, 2008, William filed a petition for writ of certiorari and stay of proceedings, which is rendered moot by the dismissal of his appeal.