

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA10-1207

MICHAEL A. HAYES

APPELLANT

V.

SANDRA L. OTTO

APPELLEE

OPINION DELIVERED SEPTEMBER 28, 2011

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FOURTEENTH DIVISION
[NO. DV-98-3853]

HONORABLE VANN SMITH,
JUDGE

APPEAL and MOTION DISMISSED

ROBERT J. GLADWIN, Judge

Michael Hayes appeals from an order of the Pulaski County Circuit Court ordering appellee Sandra Otto to pay child-support arrearages to him. On appeal, appellant asserts that the trial court erred in a number of ways in calculating the arrearages. We dismiss because this case is not final for purposes of appeal.

In its order, the trial court established a method by which to ascertain appellee's obligation to appellant but did not award him judgment in a specific dollar amount:

16. [Appellant's] obligation for child support for one child would be \$112.00 per week based on a net weekly income of \$635.00. [Appellee's] weekly child support obligation is \$292.10 based on a net weekly income of \$1,954.00. The Court computes the child support for [appellee] by referring to the child support chart and finding that [appellee] should pay \$149.00 for the first \$1,000.00 per week and then fifteen percent (15%) of \$954.00, which is \$143.10. The total of this amount is \$292.10. The Court deviates from the child support chart because of [appellee's] paying into a college fund

for [the daughter]. The Court deviates in the amount of \$91.00 per week, leaving [appellee's] obligation to be \$201.10 per week. The deviation is the exact amount as was affirmed by the Court of Appeals on October 7, 2009, and child support was calculated in the same manner.

17. The Court finds that these amounts should offset with [appellee] paying [appellant] the sum of \$89.10 per week in child support for the period of time beginning October 17, 2008, through the end of May 2010. The Court finds that there were 85 weeks during the above stated time period. The total amount [appellee] owes [appellant] is \$7,573.50 in child support at the rate of \$89.10 per week for the 85 weeks. However, [appellee] had been ordered to pay \$78.00 per week in child support during this time period. Assuming [appellee] paid child support to [appellant] from October 17, 2008, through May 2010, the total of her payments shall be offset against the \$7,573.50.

18. [Appellee] shall make arrangements to satisfy the end figure by the end of 2010.

Even if neither party raises the issue of jurisdiction on appeal, the appellate court is obligated to raise the issue sua sponte. *Elis v. Ark. State Highway Comm'n*, 2010 Ark. 196, ___ S.W.3d ___. With exceptions not applicable here, an appeal may be taken only from a final judgment or decree entered by the trial court. Ark. R. App. P.–Civ. 2(a)(1) (2011). For an order to be final and appealable, it must dismiss the parties from the court, discharge them from the action, or conclude their rights to the subject matter in controversy. *Bayird v. Floyd*, 2009 Ark. 455, ___ S.W.3d ___. An order is not final and appealable merely because it settles the issue as a matter of law; to be final, the order must also put the court's directive into execution, ending the litigation or a separable branch of it. *Morton v. Morton*, 61 Ark. App. 161, 965 S.W.2d 809 (1998). A money judgment must contain a specific dollar amount in order to be executed. *Hernandez v. Hernandez*, 371 Ark. 323, 265 S.W.3d 746 (2007). The amount of the judgment must be computed, as near as may be, in dollars and cents, so as to

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be enforced by execution or some other appropriate manner. *Allen v. Allen*, 99 Ark. App. 292, 259 S.W.3d 480 (2007). Thus, a judgment simply setting out the formula by which judgment may be calculated is not final. *Id.*

It is not possible to execute on the judgment for appellant because it does not set forth a specific dollar amount. Because it is not apparent that there is a final order, this court has no jurisdiction to hear the appeal. Accordingly, we dismiss this appeal without prejudice to refile it at a later date.

We note that some of appellant's statements in his briefs border on contempt. His descriptions of the trial court as "blatantly dishonest" and "clearly biased," as well as his statements that the trial court and this court have engaged in "unconscionable behavior" and that this court had "abetted the Trial Court's fraud" by upholding the trial court's "fraudulent order," violate Arkansas Supreme Court and Arkansas Court of Appeals Rule 1-5 (2011). That rule states: "No argument, brief, or motion filed or made in the Court shall contain language showing disrespect for the circuit court." We therefore strike these statements from appellant's briefs. If appellant makes similar statements in future filings, we will have no choice but to address this problem more harshly. Appellant also filed a motion for Rule 11 sanctions. The motion is also dismissed.

Appeal and motion dismissed.

WYNNE and GRUBER, JJ., agree.