

STATE OF MICHIGAN
COURT OF APPEALS

SIMONNE L. GRABOW, KIMBERLY S.
GRABOW and BRENTWOOD LIMOUSINE,
INC.,

UNPUBLISHED
January 25, 2011

Plaintiffs-Appellants,

and

MARK H. GRABOW,

Plaintiff,

v

TOWNSHIP OF MACOMB,

Defendant-Appellee.

No. 293711
Macomb Circuit Court
LC No. 2007-000841-CZ

Before: K. F. KELLY, P.J., AND GLEICHER AND STEPHENS, JJ.

MEMORANDUM.

Appellants purported to appeal as of right from the trial court's order awarding attorney fees and costs to defendant. Appellants argue that the trial court erred when it entered a consent judgment and, accordingly, erred when it granted defendant's subsequent motions to enforce the consent judgment and for attorney fees and costs pursuant to the terms of the consent judgment. We conclude that we do not properly have jurisdiction over this appeal.

The claim of appeal in this matter was filed in response to the trial court's July 30, 2009 order granting attorney fees and costs. Pursuant to MCR 7.203(A), this Court's jurisdiction is limited to issues concerning those fees and costs. However, appellants now ask this Court to hold that the trial court erred in entering the consent judgment on September 30, 2008. We conclude that the order entering the consent judgment constituted a final order. Because appellants failed to file a timely claim of appeal in response to that final order, any challenge to the validity of the consent judgment is not properly before this Court and cannot be considered.

Appellants' remaining issue on appeal—that the trial court erred when it granted defendant's motion for attorney fees—is derivative of their argument that the consent judgment was invalid at the outset. Because we have concluded that we may not consider whether the

consent judgment was validly entered by the trial court, it follows that the challenge to the grant of attorney fees is also without merit.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Elizabeth L. Gleicher
/s/ Cynthia Diane Stephens