

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA10-1210

TAMMY McCALL MYERS
APPELLANT

V.

STEVEN CARTER McCALL
APPELLEE

Opinion Delivered June 1, 2011

APPEAL FROM THE
SEBASTIAN COUNTY CIRCUIT
COURT, GREENWOOD
DISTRICT
[NO. DR 1997-442-G]

HONORABLE JIM D. SPEARS,
JUDGE

DISMISSED

JOSEPHINE LINKER HART, Judge

This case involves child support and medical expenses for the parties' two daughters over a decade after the parties were divorced. For the reasons explained below, we dismiss the appeal for lack of a final order.

When the parties were divorced in 1998, appellant Tammy McCall Myers was awarded custody of the children. In 2007, the parties entered into an agreed order concerning child-support arrearages and past-due medical expenses, child support through college, and future medical and dental expenses. In 2008, appellee Steven McCall asked for custody and child support, which the court granted.¹ Over the next two years, the parties filed numerous motions for relief. After the circuit court entered an order on September 29, 2010, appellant pursued this appeal.

¹ On July 1, 2009, we affirmed the circuit court's change of custody from appellant to appellee. *See Myers v. McCall*, 2009 Ark. App. 541, 334 S.W.3d 878.

We cannot reach the merits of appellant's points on appeal. Rule 2(a)(1) of the Arkansas Rules of Appellate Procedure—Civil (2011) provides that an appeal may be taken only from a final judgment or decree entered by the circuit court. The question of whether an order is final and appealable is jurisdictional, and we are obligated to consider the issue on our own even if the parties do not raise it. See *Deutsche Bank Nat'l Trust Co. v. Austin*, 2010 Ark. App. 753, 379 S.W.3d 669. For an order or judgment to be final, it must dispose of all parties and all claims in the lawsuit. See *id.*; Ark. R. Civ. P. 54(b)(1) (2011). An order that adjudicates fewer than all of the claims is not appealable unless the trial court expressly directs the entry of a final judgment to claims disposed of and determines that there is no just reason for delay, pursuant to Rule 54(b). The circuit court has not issued a Rule 54(b) certificate in this case.

The circuit court has not yet ruled on two of appellant's motions. On December 4, 2008, she asked the court to abate her child-support obligation. In a motion filed November 20, 2009, she requested that it reduce that obligation and that it decide the parties' responsibility for the deposition fee owed to the dentist of one of their daughters. Because this court lacks jurisdiction due to the unresolved issues, this appeal must be dismissed without prejudice to refile at a later date.

Dismissed.

GLADWIN and ABRAMSOM, JJ., agree.