

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA12-585

KEVIN S. PHIFER

APPELLANT

V.

PENNY J. PHIFER

APPELLEE

**Opinion Delivered** JANUARY 30, 2013

APPEAL FROM THE BRADLEY  
COUNTY CIRCUIT COURT,  
[NO. DR-11-60-2]

HONORABLE KENNEY JOHNSON,  
JUDGE

APPEAL DISMISSED

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## BILL H. WALMSLEY, Judge

Appellant Kevin Phifer appeals from an order of the Bradley County Circuit Court, which denied his motion to set aside the divorce decree and awarded appellee Penny Phifer a judgment for unpaid alimony. On appeal, Kevin argues that the original order for alimony should be set aside and the judgment for unpaid alimony should be vacated. We are unable to reach the merits of Kevin’s arguments, as the order from which he appeals is not a final, appealable order. We dismiss the appeal.

The divorce decree ordered Kevin to pay spousal support to Penny in the amount of \$240 biweekly. Kevin filed a motion to set aside the divorce decree, arguing that the award of alimony was a miscarriage of justice obtained by mistake, excusable neglect, and fraud. The court denied his motion and awarded Penny “judgment for the arrearage occurring from nonpayment of alimony and costs.”

With exceptions not applicable here, an appeal may be taken only from a final



judgment or decree entered by the circuit court. Ark. R. App. P.–Civ. 2(a)(1) (2012). The existence of a final order is a question of jurisdiction, and the appellate courts have the right and duty to raise that issue in order to avoid piecemeal litigation. *Carruth v. Carruth*, 2012 Ark. App. 172. For a judgment 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. *Id.* The amount of a final judgment that a party is required to pay must be stated in a judgment or decree. *Id.* The amount of the judgment must be computed, as near as may be, in dollars and cents, so as to be enforced by execution or some other appropriate manner. *Hayes v. Otto*, 2011 Ark. App. 564. Here, the trial court did not set forth a specific dollar amount. Thus, there is no final, appealable order, and we dismiss the appeal without prejudice.

Appeal dismissed.

GLADWIN, C.J., and PITTMAN, J., agree.

*James W. Haddock, P.A.*, by: *James W. Haddock*, for appellant.

No response.