

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA10-523

BRUCE E. MURPHY, MD
APPELLANT

V.

JEANNE MURPHY
APPELLEE

Opinion Delivered March 16, 2011

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SIXTEENTH DIVISION
[No. CV97-4789]

HONORABLE ELLEN B.
BRANTLEY, JUDGE

DISMISSED

LARRY D. VAUGHT, Chief Judge

Appellant Bruce Murphy and appellee Jeanne Murphy divorced in 2001. On October 11, 2009, appellee filed a motion for contempt alleging that appellant had failed to honor his obligations relating to a life-insurance provision contained in the parties' consent decree. On January 6, 2010, a Pulaski County circuit court ordered and directed appellant to continue paying the premiums for the life-insurance policy "*as long as*" the premiums accrue "*if the underwriters reinstate the policy.*" Additionally, the court "*reserve[d] for further adjudication all other issues associated with reinstatement*" of the Sun Life insurance policy and/or a replacement policy.

Appellant challenges the court's ruling and focuses his argument on the method by which the trial court instructed him to pay the premiums *if* the policy was reinstated. However, before we can reach the merits of the case, and despite the fact that neither party

raises the issue, we must first consider if we have jurisdiction to hear the appeal. *Haile v. Ark. Power & Light Co.*, 322 Ark. 29, 907 S.W.2d 122 (1995). With exceptions not applicable here, parties may only bring an appeal from a final order. Ark. R. App. P.–Civ. 2(a)(1) (2010). 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, 344 S.W.3d 80. As a general rule, a conditional judgment, order, or decree, the finality of which depends on certain contingencies that may or may not occur, is not a final order for purposes of appeal. *Mid-State Homes, Inc. v. Beverly*, 20 Ark. App. 213, 215, 727 S.W.2d 142, 143 (1987).

The order in this case was specifically conditioned on the reinstatement of the insurance policy in question and reserved all “other matters” related to the reinstatement for further adjudication. Because the policy may or may not have been reinstated and the order is conditioned on an undetermined event, it is not a final order. As such, this court has no jurisdiction to hear the appeal, and we dismiss without prejudice.

Dismissed without prejudice.

GRUBER and BROWN, JJ., agree.