

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Shane Barry,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellee,	)	
	)	Case No. 20100187-CA
v.	)	
	)	F I L E D
	)	(May 6, 2010)
Piper Anne Barry,	)	
	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 115</span>
Respondent and Appellant,	)	
	)	
_____	)	
	)	
S. Parker Construction, Inc.;	)	
and Parker Investments, LLC,	)	
	)	
Intervenors.	)	

-----

Fifth District, St. George Department, 054500737  
The Honorable James L. Shumate

Attorneys: Terry L. Hutchinson, St. George, for Appellant  
Rick C. Mellen, St. George, for Appellee

-----

Before Judges Davis, McHugh, and Voros.

PER CURIAM:

Piper Anne Barry seeks to appeal the trial court's oral rulings from a January 25, 2010 hearing. This is before the court on its own motion for summary disposition based on the lack of jurisdiction due to the absence of a final order.

Appeals as of right typically may be taken only from final orders or judgments. See Utah R. App. P. 3(a). Generally, an appeal taken from an order that is not final is improper and this court must dismiss it. See Bradbury v. Valencia, 2000 UT 50, ¶¶ 8-9, 5 P.3d 649. "[T]he law is well settled in the state that the statements made by a trial judge are not the judgment of the case and it is only the signed judgment that prevails." State v. Gerrard, 584 P.2d 885, 887 (Utah 1978). Accordingly, oral rulings from the bench are not final and appealable. See id.

Barry filed her notice of appeal after the trial court ruled from the bench. She acknowledges that there is no final order reducing the trial court's ruling to writing. As a result, this appeal is improperly taken and must be dismissed. See Bradbury, 2000 UT 50, ¶ 8.

Accordingly, this appeal is dismissed without prejudice to the filing of a timely notice of appeal after the entry of a final order.<sup>1</sup>

---

James Z. Davis,  
Presiding Judge

---

Carolyn B. McHugh,  
Associate Presiding Judge

---

J. Frederic Voros Jr., Judge

---

<sup>1</sup>Shane Barry filed a motion for summary disposition asserting that Piper Barry's notice of appeal was untimely from the orders entered in January 2009. Because Barry's appeal identified the ruling from January 2010, Shane's argument regarding the prior orders is not properly before the court in this posture.