

IN THE UTAH COURT OF APPEALS

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Bart Jackson and Carmen Jackson,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Plaintiffs and Appellees,)	Case No. 20100526-CA
)	
v.)	F I L E D
)	(September 2, 2010)
Intermountain Helical Piers,)	
)	2010 UT App 241
Defendant and Appellant.)	

Fourth District, Nephi Department, 080600123
The Honorable Donald J. Eyre Jr.

Attorneys: Stanford A. Graham and Jesse M. Hayes, Layton, for
Appellant

Before Judges Orme, Voros, and Christiansen.

PER CURIAM:

Intermountain Helical Piers (Intermountain) appeals the trial court's judgment in favor of Bart and Carmen Jackson. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to an untimely notice of appeal. Neither party responded to the motion.

Judgment was entered against Intermountain on May 25, 2010. Intermountain filed its notice of appeal on June 25, 2010, thirty-one days after the entry of judgment.

Under rule 4(a) of the Utah Rules of Appellate Procedure, a notice of appeal must be filed no later than thirty days after the entry of the judgment appealed. See Utah R. App. P. 4(a). Intermountain's notice of appeal was not filed within thirty days. Accordingly, it is untimely. "If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal." Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616. Where this court lacks jurisdiction over an appeal, it must

dismiss the appeal. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

Dismissed.

Gregory K. Orme, Judge

J. Frederic Voros Jr., Judge

Michele M. Christiansen, Judge