

IN THE UTAH COURT OF APPEALS

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Kensington Park, L.C.,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20050906-CA
v.)	F I L E D
)	(December 15, 2005)
Evan M. Nielson,)	
)	2005 UT App 545
Defendant and Appellant.)	

Fourth District, Provo Department, 030403822
The Honorable Anthony W. Schofield

Attorneys: Paul J. Young, Springville, for Appellant

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

Evan M. Nielson appeals from a judgment entered against him on August 23, 2005. This is before the court on its own motion for summary disposition based on the apparent lack of jurisdiction due to the absence of a final order. Neither party responded to the motion.

Plaintiff filed a timely motion for attorney fees below. On November 21, the trial court entered its ruling granting attorney fees and directing plaintiff to prepare amended findings, conclusions, and judgment. It is clear from the trial court's ruling that there is no final order entered in this case.

Aside from certain exceptions not applicable here, this court does not have jurisdiction over an appeal unless it is taken from a final judgment. See Loffredo v. Holt, 2001 UT 97, ¶10, 37 P.3d 1070. Because there is no final judgment entered in this case, this court lacks jurisdiction over this appeal and retains only the authority to dismiss it. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

Accordingly, this appeal is dismissed without prejudice to the timely filing of a notice of appeal from a final order.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge