

IN THE UTAH COURT OF APPEALS

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Peppertree Park Apartments,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20070935-CA	
v.)		
)	F I L E D	
Wendy Romero,)	(January 31, 2008)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2008 UT App 38</td></tr></table>	2008 UT App 38
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Third District, West Jordan Department, 070413416
The Honorable Robert W. Adkins

Attorneys: Wendy Romero, Taylorsville, Appellant Pro Se
 James R. Blakesley, Saratoga Springs, for Appellee

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

Appellant Wendy Romero appeals the October 18, 2007 signed minute entry that denied a request for a rehearing on issues of restitution of the rental property that is the subject of the unlawful detainer case. This case is before the court on a sua sponte motion for summary disposition.

On September 28, 2007, the district court entered a Judgment and Conditional Order of Restitution, which granted restitution of the rental property but allowed Romero the opportunity to provide documentation of alleged rental payments for August 2007 and September 2007. The judgment reserved all other issues raised in the unlawful detainer complaint for trial, which included any statutory damages issues. Romero failed to appear at the hearing on restitution of the property scheduled for October 16, 2007. The district court found that Romero did not provide proof of the alleged rental payments by the September 25, 2007 deadline imposed by the court's order. Accordingly, the court ordered that Appellee Peppertree Park Apartments could proceed with restitution of the rental property. Romero filed a motion requesting reconsideration and a new hearing, which the district court denied in the signed minute entry of October 18, 2007. Romero filed this appeal from that October 18, 2007 ruling.

The October 18, 2007 minute entry denying a rehearing on occupancy issues was not a final, appealable judgment because it did not resolve all issues in the unlawful detainer action. Similarly, the Judgment and Conditional Order of Restitution entered on September 28, 2007, was not a final, appealable judgment because it reserved all remaining issues for trial, which necessarily included damages claims under the unlawful detainer statutes.

We dismiss the appeal for lack of jurisdiction, without prejudice to a timely appeal, if one is initiated after the entry of a final judgment resolving the remaining issues raised in the unlawful detainer complaint.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge