

IN THE UTAH COURT OF APPEALS

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Capital One Auto Finance,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20100249-CA
v.)	
)	F I L E D
Elvira Tobar,)	(November 18, 2010)
)	
Defendant and Appellant.)	2010 UT App 324

Third District, West Jordan Department, 080405054
The Honorable Mark S. Kouris

Attorneys: Elvira Tobar, Taylorsville, Appellant Pro Se

Before Judges McHugh, Thorne, and Voros.

PER CURIAM:

Elvira Tobar filed a notice of appeal wherein she failed to specify any order or judgment from which the appeal is taken. We dismiss the appeal.

Rule 3(d) of the Utah Rules of Appellate Procedure provides that "[t]he notice of appeal shall specify the party or parties taking the appeal; shall designate the judgment or order, or part thereof, appealed from; shall designate the court from which the appeal is taken; and shall designate the court to which the appeal is taken." Utah R. App. P. 3(d). The Utah Supreme Court has determined that the requirement to designate the judgment or order from which the appeal is taken is jurisdictional because "the object of the notice of appeal is to advise the opposite party that an appeal has been taken from a specific judgment in a particular case." Jensen v. Intermountain Power Agency, 1999 UT 10, ¶ 7, 974 P.2d 474. When a notice of appeal fails to identify the order sought to be appealed, the notice of appeal is insufficient for this court to assume jurisdiction over the appeal. See In re B.B., 2002 UT App 82, ¶ 10, 45 P.3d 527.

Tobar's notice of appeal does not comply with rule 3(d) of the Utah Rules of Appellate Procedure as it fails to designate any order or judgment from which the appeal is taken. Thus, the notice of appeal is insufficient for this court to assume

jurisdiction over the appeal. See id. When this court lacks jurisdiction over an appeal, we are required to dismiss the appeal. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

Dismissed.

Carolyn B. McHugh,
Associate Presiding Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge