

No. 82-205

IN THE SUPREME COURT OF THE STATE OF MONTANA
1983

STATE OF MONTANA, ex rel.,
MARCIA LYNN DEWYEA,

Petitioner and Appellant,

-vs-

LARRY RAY KNAPP,

Respondent and Respondent.

Appeal from: District Court of the Fourth Judicial District,
In and for the County of Lake, The Honorable
John S. Henson, Judge presiding.

Counsel of Record:

For Appellant:

John M. McRae, Special Asst. Atty. General,
Child Support Enforcement Bureau, Missoula,
Montana
John Frederick, County Atty., Polson, Montana

For Respondent:

Larry P. Knapp, pro se, St. Ignatius, Montana

Submitted on Briefs: January 31, 1983

Decided: March 31, 1983

Filed: MAR 31 1983

Ethel M. Harrison

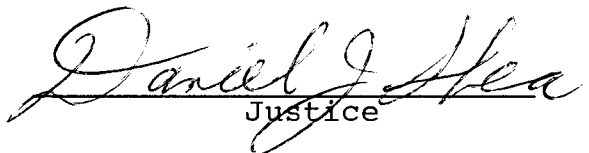
Clerk

Mr. Justice Daniel J. Shea delivered the Opinion of the Court.

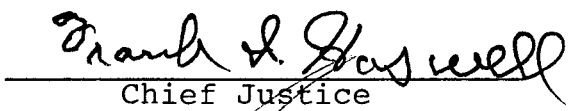
This is an appeal from a Lake County District Court proceeding. We do not reach the merits of this appeal because we do not have jurisdiction to hear and determine this appeal. There has not been a final order or judgment in the matter. The District Court file includes only a minute entry which states the court's intention. A minute entry directing judgment to be entered is not a judgment. *Lisker v. O'Rourke* (1903), 28 Mont. 129, 72 P. 416. Rule 1, M.R.App.Civ.P. requires a final judgment or order to be entered before an appeal can be taken.

Nor has the appeal been certified by the trial court under Rule 54(b), M.R.Civ.P. We discussed the requirements of a Rule 54(b) certification in *Roy v. Neibauer* (1980), ___ Mont. ___, 610 P.2d 1185, and we need not restate them here.

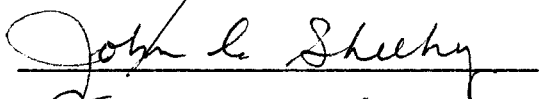
The appeal is dismissed without prejudice.

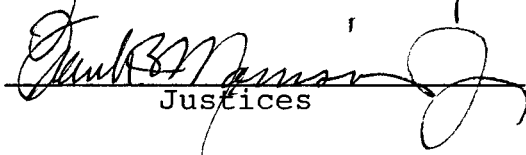

Justice

We Concur:


Chief Justice


Justice


Justice


Justice