

IN THE UTAH COURT OF APPEALS

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Central Utah Water Conservancy)	PER CURIAM DECISION
District,)	
)	Case No. 20100890-CA
Plaintiff and Appellee,)	
)	FILED
v.)	(February 25, 2011)
)	
Frank Lamm,)	2011 UT App 57
)	
Defendant and Appellant.)	

Eighth District, Duchesne Department, 060800069
The Honorable Edwin T. Peterson

Attorneys: Frank Lamm, Grand Junction, Colorado, Appellant Pro Se
Perrin R. Love, Wendy Bowden Crowther, and Joseph D. Kesler,
Salt Lake City, for Appellee

Before Judges Davis, McHugh, and Thorne.

¶1 Frank Lamm appeals the district court's order entered on September 27, 2010. This matter is before the court on a sua sponte motion for summary disposition. We dismiss the appeal for lack of jurisdiction.

¶2 Rule 4 of the Utah Rules of Appellate Procedure requires that a notice of appeal must be filed within thirty days of the entry of the final order or judgment appealed. *See* Utah R. App. P. 4(a). If a notice of appeal is not timely filed, this court lacks jurisdiction to consider the appeal. *See Serrato v. Utah*

Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616. If this court lacks jurisdiction over an appeal, we are required to dismiss the appeal. See *Varian-Eimac, Inc. v. Lamoreaux*, 767 P.2d 569, 570 (Utah Ct. App. 1989).

¶3 On September 27, 2010, the district court entered the final judgment of condemnation which constituted the final, appealable order in the underlying matter. On October 28, 2010, Lamm filed his notice of appeal in the district court. The notice of appeal was not filed within thirty days of the entry of the final order appealed. Because the notice of appeal was not timely filed, this court lacks jurisdiction to consider the appeal. See *Serrato*, 2000 UT App 299, ¶ 7. Thus, we are required to dismiss the appeal for lack of jurisdiction. See *Varian-Eimac, Inc.*, 767 P.2d at 570.

¶4 Accordingly, the appeal is dismissed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

William A. Thorne Jr., Judge