

IN THE UTAH COURT OF APPEALS

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Chrystal Celeste Cahoon fka)	MEMORANDUM DECISION	
Chrystal Celeste Evans,)	(Not For Official Publication)	
)		
Petitioner and Appellee,)	Case No. 20091007-CA	
)		
v.)	F I L E D	
)	(February 4, 2010)	
)		
Richard A. Evans,)	<table border="1"><tr><td>2010 UT App 29</td></tr></table>	2010 UT App 29
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Respondent and Appellant.)		

Third District, Salt Lake Department, 024906265
The Honorable Tyrone E. Medley

Attorneys: Vernon C. Jolley and John J. Diamond, Sandy, for
 Appellant
 Maria Cristina Santana, Salt Lake City, for Appellee

Before Judges Davis, Thorne, and Voros.

PER CURIAM:

Richard A. Evans appeals the trial court's judgment denying his petition to modify a divorce decree and awarding past due child support. This is before the court on Chrystal Celeste Cahoon's motion for summary disposition asserting that this court lacks jurisdiction because the order appealed from is not a final order. Evans did not respond to the motion.

Under rule 4 of the Utah Rules of Appellate Procedure, a notice of appeal must be filed within thirty days after the entry of the final order or judgment. See Utah R. App. P. 4(a). Generally, an appeal taken from an order that is not final is improper and this court must dismiss it. See Bradbury v. Valencia, 2000 UT 50, ¶¶ 8-9, 5 P.3d 649. An order is final when it disposes of all the issues between the parties. See id. ¶ 10. To be final, the order or judgment must determine, in addition to the underlying substantive claims, the amount of attorney fees if awarded. See ProMax Dev. Corp. v. Raile, 2000 UT 4, ¶ 15, 998 P.2d 254.

Here, the trial court awarded fees but reserved the amounts for further litigation. At this time, the amount of fees to be awarded Cahoon remains pending before the trial court. As a result, there is no final order from which to appeal. Where an appeal is not properly taken, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50, ¶ 8.

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

James Z. Davis, Presiding Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge