

IN THE UTAH COURT OF APPEALS

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Consuelo Charlton,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20060854-CA
v.)	
)	F I L E D
James Paulett Charlton,)	(June 7, 2007)
)	
Respondent and Appellant.)	2007 UT App 198

Third District, Salt Lake Department, 034902803
The Honorable Robert K. Hilder

Attorneys: James Paulett Charlton, Palo Alto, California,
Appellant Pro Se
Tineke Van Dijk and Frank J. Falk, Salt Lake City,
for Appellee

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

James Paulett Charlton (Husband) appeals the supplemental divorce decree. This case is before the court on a motion to dismiss filed by Consuelo Charlton (Wife).

The district court entered a bifurcated divorce decree in December 2003. On August 14, 2006, the district court signed a Supplemental Decree of Divorce and Judgment, which was filed by the clerk on the same date. On September 15, 2006, Husband filed a notice of appeal in the district court.

Husband did not file a response to Wife's motion to dismiss, but he did file a document captioned as a Notice of Correction of Filing Date for Notice of Appeal. This document states that the district court has corrected the record to reflect a filing date of September 14, 2006. There is no record support for the alleged correction; however, even if the notice of appeal's filing date were changed to September 14, 2006, as Husband suggests, the notice would still be filed one day late.

A notice of appeal must "be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from." Utah R. App. P. 4(a). A judgment is entered when it is signed by the trial judge and filed with the clerk. See Utah R. Civ. P. 58A(b) (stating "all judgments shall be signed by the judge and filed with the clerk"). "A judgment is complete and shall be deemed entered for all purposes, except the creation of a lien on real property, when the same is signed and filed." Utah R. Civ. P. 58A(c). Contrary to Wife's suggestion, the date that the judgment is entered in a "registry of judgments" is not the date from which the appeal time begins to run. See Glacier Land Co. v. Klawe, 2006 UT App 209, ¶3, 138 P.3d 109 (per curiam). "Although rule 58A(c) also requires the clerk to 'immediately make a notation of the judgment in the register of actions,' this is not required to accomplish entry for purposes of calculating the appeal time." Id. (quoting Utah R. Civ. P. 58A(c)). The district court entered a final, appealable judgment on August 14, 2006; therefore, the time for appeal expired on September 13, 2006, thirty days after entry of the judgment.

"If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal." Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616. "When a matter is outside the court's jurisdiction it retains only the authority to dismiss the action." Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989). Accordingly, we dismiss the appeal.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge