

IN THE UTAH COURT OF APPEALS

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Clark Properties, Inc.,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20100416-CA
v.)	
)	
JDW-CM, LLC,)	F I L E D
)	(July 22, 2010)
)	
Respondent and Appellee.)	2010 UT App 205
_____)	
)	
JDW-CM, LLC,)	
)	
Counterclaim Petitioner)	
and Appellee,)	
)	
v.)	
)	
Clark Properties, Inc.,)	
)	
Counterclaim Respondent)	
and Appellant,)	
)	
and)	
)	
<u>Deer Run at Maple Hills, LLC;</u>)	
and John Does 1-100,)	
)	
Third-party Respondent)	
and Appellant.)	

Second District, Farmington Department, 000700454
The Honorable Jon M. Memmott

Attorneys: George A. Hunt and Mark R. Anderson, Salt Lake City,
for Appellants

Before Judges Thorne, Voros, and Christiansen.

PER CURIAM:

Clark Properties, Inc. and Deer Run at Maple Hills, LLC
(collectively, Clark) appeal the trial court's order quieting

title to certain lots in JDW-CM, LLC and the order denying a motion for new trial. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order. Clark responded to the motion. Appellee JDW-CM did not.

Generally, appeals may be taken only from final orders. See Utah R. App. P. 3(a); Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. When a motion for new trial is filed, the appeal time runs from the entry of the order disposing of such motion. See Utah R. App. P. 4(b). The trial court entered its ruling on Clark's motion for new trial in April 2010. However, there is not a final order disposing of the motion for new trial because the ruling expressly contemplated further action by requiring JDW-CM to prepare the formal order. Absent a final order, this court lacks jurisdiction over this appeal. See Bradbury, 2000 UT 50, ¶ 9. As a result, the appeal is not properly taken and must be dismissed. See id. ¶ 8.

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

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge

Michele M. Christiansen, Judge