IN THE UTAH COURT OF APPEALS

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Helen Coleman,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20070007-CA
v.	)	
	)	F I L E D (March 29, 2007)
Oscar Howard Coleman,	)	
	)	2007 UT App 107
Defendant and Appellee.	)	

Third District, Salt Lake Department, 064902074
The Honorable Joseph C. Fratto Jr.

Attorneys: Helen Coleman, Roy, Appellant Pro Se
Oscar Howard Coleman, Clearfield, Appellee Pro Se

Before Judges Billings, Orme, and Thorne.

PER CURIAM:

Helen Coleman appeals the trial court's order denying her motion for clarification of a ruling denying a motion to set aside a prior order. 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.

After a September 2006 hearing on Coleman's motion to set aside the 1996 order, the trial court announced its decision denying that motion. The decision is reflected in the record only in an unsigned minute entry. Shortly after the denial of her motion to set aside, Coleman filed a motion for clarification of the trial court's ruling. The trial court denied the motion for clarification in a signed minute entry. The signed minute entry stated "[t]his minute entry constitutes the order regarding the matters addressed herein. No further order is required." Coleman filed her notice of appeal from the signed minute entry denying her motion for clarification. It appears, however, that she is trying to reach the issue of whether the trial court properly denied her earlier motion to set aside the 1996 order. But, there is no final appealable order from which to appeal.

"An appeal is improper if it is taken from an order or judgment that is not final." Bradbury v. Valencia, 2000 UT 50,¶9, 5 P.3d 649. An unsigned minute entry does not constitute an entry of judgment and cannot be a final judgment for purposes of appeal. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994). The denial of Coleman's motion to set aside the 1996 order is currently memorialized only in an unsigned minute entry, and thus is not a final appealable order. See id.

Furthermore, "[t]o be final, the trial court's order or judgment must dispose of all parties and claims to an action." Bradbury, 2000 UT 50 at ¶10. The trial court's signed minute entry denying the motion for clarification does not resolve all matters before the court, and specifically notes that there is no final order regarding the motion to set aside. Therefore, the signed minute entry does not constitute a final appealable order. Coleman asserts that the signed minute entry was intended to be a final order because the trial court included language indicating no further order was required regarding the matters addressed. However, that language does not make the signed minute entry a final order regarding the motion to set aside. Rather, the notation that no further order is required complies with Utah Rule of Civil Procedure 7(f)(2), which requires a party to provide a proposed order unless otherwise directed by the trial court. See Utah R. Civ. P. 7(f)(2). The notation provides the direction by the trial court that a party is not required to draft an order.

In sum, neither the unsigned minute entry denying the motion to set aside, nor the signed minute entry denying the motion to clarify, constitute a final order from which to appeal. Where an appeal is improperly taken, this court lacks jurisdiction and must dismiss the appeal. See Bradbury, 2000 UT 50 at ¶8.

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

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Judith M. Billings, Judge

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William A. Thorne Jr., Judge

ORME, Judge (concurring in the result):

I think the trial court, in specifying that "[n]o further order is required," meant for the signed minute entry to serve as the final order in this case. I recognize, however, that the record is ambiguous in this regard and see merit in giving the trial court an opportunity to enter an order that is inarguably final and appealable.

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Gregory K. Orme, Judge