

IN THE UTAH COURT OF APPEALS

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In the matter of the adoption of E.R.V. and S.R.V., minors.	)	MEMORANDUM DECISION
_____	)	(Not For Official Publication)
	)	Case No. 20100727-CA
C.V.,	)	
Appellant,	)	F I L E D
	)	(November 12, 2010)
v.	)	2010 UT App 319
	)	
L.M.B. and M.A.B,	)	
	)	
Appellees.	)	

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Third District, Salt Lake Department, 072900422  
The Honorable John Paul Kennedy

Attorneys: C.V., Rowlett, Texas, Appellant Pro Se

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Before Judges Davis, McHugh, and Voros.

PER CURIAM:

C.V. (Father) appeals the trial court's order terminating his parental rights in E.R.V. and S.R.V. and freeing them for adoption by their stepfather. This is before the court on its own motion for summary disposition based on the lack of jurisdiction due to an untimely filed notice of appeal.

Although the initial order terminating Father's rights was entered in July 2009, the trial court reinstated the appeal time to correct a court procedural error. The trial court entered an order dated July 15, 2010, that noted the posture of the case, included the prior orders, and reinstated the time for Father to appeal as of the date of the new order. The order specified that Father had thirty days to file his appeal. Thus, Father's notice of appeal was due on or before August 16, 2010.

Father did not file his notice of appeal until August 26, 2010. If a notice of appeal is not timely filed, this court lacks jurisdiction over the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616. Father's notice of appeal was not filed until well after the thirty days had run,

and Father did not move the trial court to extend the time to file an appeal under rule 4(e), see Utah R. App. P. 4(e) (providing for extensions of the time to appeal). Accordingly, this court lacks jurisdiction over his appeal. See Serrato, 2000 UT App, ¶ 7. Where an appeal is not properly taken, this court must dismiss it. See Bradbury v. Valencia, 2000 UT 50, ¶ 8, 5 P.3d 649.

Dismissed.

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James Z. Davis,  
Presiding Judge

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Carolyn B. McHugh,  
Associate Presiding Judge

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J. Frederic Voros Jr., Judge