

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Friendship Manor,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20060559-CA
v.)	
)	F I L E D
Brent Foutz,)	(August 17, 2006)
)	
Defendant and Appellant.)	2006 UT App 343

Third District, Salt Lake Department, 030913082
The Honorable Stephen L. Henriod

Attorneys: Brent Foutz, Salt Lake City, Appellant Pro Se
Lester A. Perry, Salt Lake City, for Appellee

Before Judges Greenwood, Davis, and Orme.

PER CURIAM:

Brent Foutz appeals an unsigned minute entry dismissing the underlying case for lack of prosecution. This case is before the court on a sua sponte motion for summary dismissal for lack of jurisdiction due to the absence of a final, appealable order or judgment. See Utah R. App. P. 3(a).

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see id., or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶10, 15, 37 P.3d 1070. Both parties agree that the trial court has failed to issue a final and appealable order in this case. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994) (holding that an unsigned minute entry is not a final order for purposes of appeal).

As a result, this court lacks jurisdiction to hear this appeal. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97 at ¶11. Accordingly, this

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

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Gregory K. Orme, Judge