

IN THE UTAH COURT OF APPEALS

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Connie (Gallacher) Judd,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20060100-CA
v.)	
)	F I L E D
John Ray Gallacher,)	(March 30, 2006)
)	
Respondent and Appellant.)	2006 UT App 131

Third District, Salt Lake Department, 014906333
The Honorable Stephen L. Roth

Attorneys: John Ray Gallacher, West Valley City, Appellant Pro
Se
Nolan J. Olsen and Martin N. Olsen, Midvale, for
Appellee

Before Judges Bench, Greenwood, and Billings.

PER CURIAM:

John Ray Gallacher appeals from the trial court's memorandum decision signed December 28, 2005, determining several outstanding issues regarding the parties' divorce. 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.

Appellate courts "[do] not have jurisdiction over an appeal unless it is taken from a final judgment, Utah R. App. P. 3(a), or qualifies for an exception to the final judgment rule." Loffredo v. Holt, 2001 UT 97, ¶10, 37 P.3d 1070. A signed minute entry or memorandum decision may be final for purposes of appeal. See State v. Leatherbury, 2003 UT 2, ¶9, 65 P.3d 1180. However, such an order "will not be considered a final order where its language indicates that it is not intended as final." Id. "[W]here further action is contemplated by the express language of the order, it cannot be a final determination susceptible of enforcement." Id.

The memorandum decision signed by the trial court directed counsel to prepare a final order and judgment. The express language of the decision contemplates further action. As a

result, the decision is not a final order for purposes of appeal. Absent a final order, this court lacks jurisdiction and must dismiss the appeal.

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

Russell W. Bench,
Presiding Judge

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge