

IN THE UTAH COURT OF APPEALS

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Carolyn Smith fka Carolyn S. Jacobson,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Petitioner and Appellant,)	Case No. 20081029-CA
)	
v.)	F I L E D
)	(February 26, 2009)
Baltzar Hans Jacobson,)	
)	2009 UT App 53
Respondent and Appellee.)	

Fourth District, Provo Department, 954400784
The Honorable James R. Taylor

Attorneys: Carolyn Smith, Salem, Appellant Pro Se
 F. Kevin Bond and Budge W. Call, Salt Lake City, for
 Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Carolyn Smith (fka Carolyn S. Jacobson) appeals an unsigned minute entry dated April 20, 2007, and the district court's October 21, 2008 ruling and order. This matter is before the court on its own motion for summary disposition for lack of jurisdiction due to the absence of a final order.

Generally, "[a]n 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. For an order or judgment to be final, it must "dispose of all parties or claims to an action." Id. ¶ 10. The only exceptions to this requirement are where: (1) an appeal is permitted under the circumstances by statute, (2) the appellate court grants interlocutory appeal under rule 5 of the Utah Rules of Appellate Procedure, or (3) the trial court certifies the order as final under rule 54(b) of the Utah Rules of Civil Procedure. See id. ¶ 12.

Smith previously appealed the district court's April 20, 2007 minute entry. This court dismissed the appeal because an unsigned minute entry is not a final, appealable order. See Ron Shepard Ins. v. Shields, 882 P.2d 650, 653 (Utah 1994); see also

Jacobson v. Jacobson, 2007 UT App 237U, para. 3 (mem.) (per curiam). Even if the April 20, 2007 minute entry had been signed, it would not be a final, appealable order because it fails to dispense of all parties and claims to the action. See Bradbury, 2000 UT 50, ¶ 10.

Smith also appeals the October 21, 2008 ruling and order. The October 21, 2008 ruling and order expressly refers to future proceedings before the district court. The October 21, 2008 ruling and order also fails to dispense of all parties and claims to the action. Thus, the ruling and order is also not a final, appealable order. See id.

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

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge