

IN THE UTAH COURT OF APPEALS

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Richard H. Jolley,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20060670-CA
v.)	
)	F I L E D
Sandra Jolley,)	(September 21, 2006)
)	
Respondent and Appellant.)	2006 UT App 381

Third District, Silver Summit Department, 054500114
The Honorable Bruce C. Lubeck

Attorneys: Elizabeth A. Hruby-Mills and Zachary E. Peterson,
Salt Lake City, for Appellant
Ellen Maycock, Salt Lake City, for Appellee

Before Judges Billings, Davis, and Orme.

PER CURIAM:

Sandra Jolley appeals the divorce decree entered in June 2006. 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.

In its memorandum decision, the trial court noted that the information regarding attorney fees was incomplete and that the court would therefore defer any ruling on that issue. The divorce decree stated that the issue of attorney fees was deferred. The trial court clearly contemplated addressing the attorney fee issue, stating in its memorandum decision that it would amend the decree when it received the necessary information and a request to supplement the order.

Generally, this court does not have jurisdiction over an appeal unless it is taken from a final judgment. See Loffredo v. Holt, 2001 UT 97, ¶10, 37 P.3d 1070. "A judgment is not final if the trial court has failed to determine whether attorney fees should be awarded." Id. at ¶12. "[A] trial court must determine the amount of attorney fees awardable to a party before the judgment becomes final for the purposes of an appeal under

Utah Rule of Appellate Procedure 3.'" Id. (quoting ProMax Dev. Corp. v. Raile, 2000 UT 4, ¶15, 998 P.2d 254). Here, the trial court reserved the issue of attorney fees. As a result, the order appealed from is not a final order. See id. Because the order is not final, this court lacks jurisdiction and must dismiss the appeal. See id. at ¶10.

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

Judith M. Billings, Judge

James Z. Davis, Judge

Gregory K. Orme, Judge