

IN THE UTAH COURT OF APPEALS

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Melody S. Luke,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellee,	)		
	)	Case No. 20050757-CA	
v.	)		
	)		
<u>Redko International, N.V.;</u>	)	F I L E D	
Frederick G. Luke; and Shan	)	(December 1, 2005)	
Womack,	)		
	)	<table border="1"><tr><td>2005 UT App 517</td></tr></table>	2005 UT App 517
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Defendants and Appellant.	)		

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Third District, Salt Lake Department, 020903544  
The Honorable Frank G. Noel

Attorneys: Steven B. Smith, Salt Lake City, for Appellant  
Mark O. Morris, Wade R. Budge, and Stewart O. Peay,  
Salt Lake City, for Appellee

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Before Judges Davis, Orme, and Thorne.

PER CURIAM:

Redko International, N.V. (Redko) appeals from a summary judgment in favor of Melody Luke, granting judicial foreclosure of real estate. This is before the court on Luke's motion for summary disposition and suggestion of mootness. Redko has not filed a response to the motion and leaves it uncontested.

In the trial court, Redko did not file a response to Luke's summary judgment motion. As a result, Luke's facts are uncontroverted. See Utah R. Civ. P. 56(e). Any challenge to the facts at this stage is waived. See Hart v. Salt Lake County Comm'n, 945 P.2d 125, 129 (Utah Ct. App. 1997) (noting issues raised for first time on appeal will not be considered).

Furthermore, this court is not able to review the legal issues raised in Redko's docketing statement. Redko has failed to provide this court with a transcript of the summary judgment proceeding. As a result, we cannot verify that the issues identified were preserved, nor can we review substantively for error. Redko has the obligation to provide this court with a complete record in order to evaluate its claims. See Utah R.

App. P. 11. Given that Redko did not file any document in response to the summary judgment motion appealed, the hearing would be the only means by which Redko could make its arguments to the trial court. Absent a transcript, there is nothing in the record identifying Redko's positions. Where appellant has failed to provide an adequate record on appeal, an appellate court presumes the regularity of the proceedings below. See State v. Pritchett, 2003 UT 24, ¶13, 69 P.3d 1278.

Finally, Redko has failed to avail itself of the opportunity to define substantive issues for review beyond its docketing statement. There appears to be no substantial issue stated in the docketing statement warranting further consideration by this court.

Accordingly, the summary judgment is affirmed.

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James Z. Davis, Judge

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge