

IN THE UTAH COURT OF APPEALS

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Isaac McQueen,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellee,	)	
	)	Case No. 20090036-CA
v.	)	
	)	F I L E D
<u>Jordan Pines Townhomes Owners</u>	)	(February 26, 2009)
<u>Association, Inc.; Exchange</u>	)	
Properties, Inc.; and	)	2009 UT App 59
J. Daniel Fox,	)	
	)	
Defendants and Appellant.	)	

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Third District, Salt Lake Department, 070918316  
The Honorable Joseph C. Fratto Jr.

Attorneys: Jamie L. Nopper and John D. Morris, Salt Lake City,  
for Appellant  
Bruce A. Maak, Salt Lake City, for Appellee

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Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:

Jordan Pines Townhomes Owners Association, Inc., seeks to appeal the trial court's entry of partial summary judgment in favor of Isaac McQueen. This is before the court on McQueen's motion to dismiss for lack of jurisdiction based on the lack of a final, appealable order.

This court has jurisdiction over appeals from final orders. See Utah R. App. P. 3. An order is final when it fully disposes of the case on the merits, ending the controversy between the parties. See Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. The order must dispose of all claims to an action. See id. ¶ 10. Where an appeal is taken from an order that is not final, the appeal is improper and must be dismissed. See id. ¶¶ 8-9.

Here, the order was a partial summary judgment, granting relief on some, but not all, of McQueen's claims. Additional claims set forth in the amended complaint remain pending in the trial court. Accordingly, the order appealed is not a final,

appealable order. As a result, this court lacks jurisdiction and must dismiss the appeal. See id.

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

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Pamela T. Greenwood,  
Presiding Judge

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William A. Thorne Jr.,  
Associate Presiding Judge

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James Z. Davis, Judge