

IN THE UTAH COURT OF APPEALS

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Millcreek Manor Condominium Management Committee,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Plaintiff and Appellee,)	Case No. 20090772-CA
)	
v.)	F I L E D
)	(November 27, 2009)
Reventures Millcreek, LLC,)	
)	2009 UT App 351
Defendant and Appellant.)	

Second District, Ogden Department, 090904822
The Honorable Michael D. Lyon

Attorneys: Michael T. Pines, Encinitas, California, for Appellant
Richard W. Jones and Keith M. Backman, Ogden, for Appellee

Before Judges Greenwood, Orme, and Thorne.

PER CURIAM:

Reventures Millcreek, LLC purports to appeal from the district court's order granting Millcreek Manor Condominium Management Committee's motion for a prejudgment writ of garnishment. This matter is before the court on Millcreek Manor's motion for summary disposition based upon lack of jurisdiction.

This court does not have jurisdiction to consider an appeal unless it is taken from a final judgment or order, see Utah R. App. P. 3(a), or qualifies for an exception to the final judgment rule. See Loffredo v. Holt, 2001 UT 97, ¶¶ 10, 15, 37 P.3d 1070. An order is final only if it disposes of the case as to all parties and "finally dispose[s] of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649 (internal quotation marks omitted).

Reventures Millcreek seeks review of an order granting a motion for a prejudgment writ of garnishment. This order did not finally resolve the subject matter of the dispute between the parties. Therefore, the judgment was not a final, appealable

order, and we lack jurisdiction over this matter. See id. When this court lacks jurisdiction, it must dismiss the appeal. See Loffredo, 2001 UT 97, ¶ 11.

The appeal is dismissed without prejudice to the filing of a timely appeal after the district court enters a final, appealable order.¹

Pamela T. Greenwood,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

¹The court notes that Millcreek Manor also raised the issue concerning whether Reventures Millcreek, a limited liability company, must be represented by counsel during the course of the litigation. Because we have determined that this court does not have jurisdiction over the appeal, we do not resolve the representation issue at this time.