

IN THE UTAH COURT OF APPEALS

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Consuelo Noorlander and)	MEMORANDUM DECISION
Matthew Noorlander,)	(Not For Official Publication)
)	
Plaintiffs and Appellees,)	Case No. 20070487-CA
)	
v.)	F I L E D
)	(October 18, 2007)
Hillary Gerber and Lesley)	
Gerber,)	2007 UT App 346
)	
Defendants and Appellants.)	

Fifth District, St. George Department, 050501855
The Honorable G. Rand Beacham

Attorneys: Christopher W. Edwards, Hurricane, for Appellants
Jenny T. Jones, St. George, for Appellees

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

Hillary and Lesley Gerber appeal the entry of judgment against them determining that a purchase option had expired and finding them to be in unlawful detainer of certain premises. This is before the court on appellees Consuelo and Matthew Noorlander's motion to dismiss for lack of jurisdiction. Appellants did not respond.

After the date to exercise a purchase option in the agreement between the Noorlanders and the Gerbers had passed, the Noorlanders filed a complaint for unlawful detainer against the Gerbers. The Noorlanders moved for summary judgment on the complaint in December 2006. The trial court granted the motion in a final order entered on April 26, 2007. The Gerbers filed their notice of appeal on May 21, 2007.

Typically, a notice of appeal must be filed within thirty days of the entry of the final order appealed. See Utah R. App. P. 4(a). "However, when a judgment or order is entered in a[n] . . . unlawful detainer action, the notice of appeal required by [r]ule 3 shall be filed with the clerk of the trial court within [ten] days after the date of entry of the judgment or order

appealed from." Id. This matter originated as a complaint for unlawful detainer. Because this was initiated as an unlawful detainer action, the Gerbers were required to file their notice of appeal within ten days after the entry of judgment. They failed to do so, making their appeal untimely and depriving this court of jurisdiction. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616 ("If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal.").

Accordingly, this appeal is dismissed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge