

IN THE UTAH COURT OF APPEALS

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Preferred Property Management,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Plaintiff and Appellee,)	Case No. 20080340-CA
)	
v.)	F I L E D
)	(June 26, 2008)
Donald Paulman and Norma Paulman,)	
)	2008 UT App 252
)	
Defendants and Appellants.)	

Fifth District, St. George Department, 070502734
The Honorable Eric A. Ludlow

Attorneys: Donald Paulman and Norma Paulman, St. George,
Appellants Pro Se
Bruce C. Jenkins, St. George, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

This appeal is before the court on a sua sponte motion for summary disposition on the basis that the notice of appeal was not timely filed after entry of a judgment in a statutory unlawful detainer action.

Plaintiff Preferred Property Management filed an action against Defendants Donald and Norma Paulman under the forcible entry and detainer statutes. See Utah Code Ann. §§ 78-36-1 to -12.6 (2002 & Supp. 2007). After a bench trial, the district court entered a judgment for damages authorized by statute, including damages for rent, late fees, and charges; damages for unlawful detainer; damages for waste of the premises; and reasonable costs and attorney fees. Utah Code section 78-36-11 requires a notice of appeal from a judgment in a statutory forcible entry and detainer action to be filed within ten days. See *id.* § 78-36-11(1) (2002); see also Utah R. App. P. 4(a) ("[W]hen a judgment or order is entered in a statutory forcible entry or unlawful detainer action, the notice of appeal . . . shall be filed with the clerk of the trial court within 10 days

after the date of entry of the judgment or order appealed from.").

The district court entered its Findings of Fact, Conclusions of Law, and Judgment on March 14, 2008. The Paulmans filed a notice of appeal on April 14, 2008, which was thirty days after the entry of judgment and was therefore untimely. Because the notice of appeal was untimely, we lack jurisdiction to consider the merits of the appeal. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶ 7, 13 P.3d 616.

We dismiss the appeal for lack of jurisdiction.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge