

IN THE UTAH COURT OF APPEALS

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Daniel Phillips and Emily Phillips,)	MEMORANDUM DECISION
)	(Not For Official Publication)
)	
Plaintiffs and Appellees,)	Case No. 20100743-CA
)	
v.)	F I L E D
)	(December 9, 2010)
Samuel L. Biers and Jami Biers,)	
)	2010 UT App 348
Defendants and Appellants.)	

Second District, Ogden Department, 100904509
The Honorable Mark R. DeCaria

Attorneys: Samuel L. Biers and Jami Biers, Durham, North
Carolina, Appellants Pro Se
Jeremy M. Shorts, Orem, for Appellees

Before Judges McHugh, Thorne, and Voros.

PER CURIAM:

This matter is before the court on Daniel and Emily Phillips's motion for summary disposition. The Phillipses allege that the order of restitution that Samuel L. and Jami Biers seek to appeal is not a final judgment.

"An appeal may be taken from a district or juvenile court to the appellate court with jurisdiction over the appeal from all final orders and judgments." Utah R. App. P. 3(a). "To be final, the trial court's order or judgment must dispose of all parties and claims to an action." Bradbury v. Valencia, 2000 UT 50, ¶ 10, 5 P.3d 649. In order for a judgment to be final, "a trial court must even determine attorney fee awards." Id.

The order of restitution is not a final, appealable judgment because it does not resolve all issues raised in the unlawful detainer case. Specifically, the order of restitution failed to resolve the Phillipses' claims for monetary damages. This includes the Phillipses' request for attorney fees. Therefore, while the order of restitution required the Bierses to vacate the premises, the order did not resolve the entire dispute between the parties. Accordingly, we lack jurisdiction over the appeal

and must dismiss. See Varian-Eimac, Inc. v. Lamoreaux, 767 P.2d 569, 570 (Utah Ct. App. 1989).

The appeal is dismissed without prejudice to the filing of a timely appeal from a final order.

Carolyn B. McHugh,
Associate Presiding Judge

William A. Thorne Jr., Judge

J. Frederic Voros Jr., Judge