

IN THE UTAH COURT OF APPEALS

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Stephanie Reynolds,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20100417-CA
v.	)	
	)	
<u>James H. Woodall; Citibank</u>	)	F I L E D
<u>Federal Savings Bank; Corlene</u>	)	(August 12, 2010)
<u>Kemker Trust; U.S. Bank, NA;</u>	)	
Mortgage Electronic	)	2010 UT App 224
Registration Systems, Inc.;	)	
Etitle Insurance Agency; and	)	
John Does of Unknown Number,	)	
	)	
Defendants and <u>Appellees</u> .	)	

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Third District, Salt Lake Department, 090919624  
The Honorable Tyrone E. Medley

Attorneys: E. Craig Smay, Salt Lake City, for Appellant  
Peter J. Salmon, San Diego, California, for Appellee  
James Woodall  
Jeffery S. Williams and Jed K. Burton, Salt Lake  
City, for Appellee U.S. Bank, NA  
John A. Snow and Seth M. Mott, Salt Lake City, for  
Appellee Corlene Kemker Trust  
Anthony C. Kaye and Steven D. Burt, Salt Lake City,  
for Appellee Citibank Federal Savings Bank

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Before Judges Thorne, Voros, and Christiansen.

PER CURIAM:

Stephanie Reynolds appeals from trial court orders dismissing defendants James H. Woodall and the Corlene Kemker Trust (the Kemker Trust) and quieting title in the Kemker Trust. This is before the court on its own motion for summary disposition based on lack of jurisdiction due to the absence of a final order.

Reynolds filed this action naming Woodall, the Kemker Trust, and other parties, including U.S. Bank, and Citibank Federal Savings Bank, as defendants. The banks had loaned money to Reynolds, secured by deeds of trust. When Reynolds defaulted on

the loans, Woodall, as trustee, foreclosed on the property. The Kemker Trust purchased the property at the foreclosure sale. Reynolds alleged in her complaint that Woodall did not have authority as a successor trustee, that the banks did not have a security interest in the property due to the resale of the loans, and that the Kemker Trust purchase was void.

The trial court granted Woodall's motion to dismiss the complaint as against him, determining that he had the authority to foreclose. The Kemker Trust subsequently was granted summary judgment as a bona fide purchaser. The trial court quieted title to the property in the Kemker Trust. These orders are the subjects of the appeal.

Generally, appeals may be taken only from final orders or judgments. See Utah R. App. P. 3(a). For an order or judgment to be final, it must "dispose of the case as to all the parties, and finally dispose of the subject-matter of the litigation on the merits of the case." Bradbury v. Valencia, 2000 UT 50, ¶ 9, 5 P.3d 649. An order is final only if it "ends the controversy between the parties litigant." Id.

Here, the case remains pending against other parties even with the dismissal of Woodall and the Kemker Trust. Because the subject orders did not dispose of the case as to all the parties, the orders are not final for purposes of appeal. See id. Where an appeal is not properly taken, this court lacks jurisdiction and must dismiss it. See id. ¶ 8.

Reynolds argues that because the title to the property was quieted in the Kemker Trust, there is nothing left at issue below. However, the complaint alleged specific causes of action against the banks regarding the validity of the loans and the trust deeds, which are separate issues and separate parties from those in the subject orders. Because there are additional parties in the case before the trial court, the orders appealed are not final.

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

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William A. Thorne Jr., Judge

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J. Frederic Voros Jr., Judge

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Michele M. Christiansen, Judge