IN THE UTAH COURT OF APPEALS

----00000----

Howard A. Scott Jr.,) MEMORANDUM DECISION) (Not For Official Publication)
Petitioner and Appellant,) Case No. 20050158-CA
ν.)
David Bradbury, Ken Wiley, David Ferry, and Rick Nichols,) F I L E D) (August 11, 2005)
Respondents and Appellees.) [2005 UT App 344]

Third District, Salt Lake Department, 040909389 The Honorable Timothy R. Hanson

Attorneys: Howard A. Scott Jr., Draper, Appellant Pro Se Mark L. Shurtleff and Natalie A. Wintch, Salt Lake City, for Appellee

Before Judges Davis, Orme, and Thorne.

PER CURIAM:

Howard A. Scott Jr. appeals from an order denying his petition for postjudgment relief. This case is before the court on its own motion for summary dismissal for lack of jurisdiction due to the failure to file a timely notice of appeal. <u>See</u> Utah R. App. P. 4(a).

A notice of appeal must be filed "with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from." <u>Id.</u> If an appeal is not timely filed, this court lacks jurisdiction to hear the appeal, and must dismiss. <u>See Serrato v. Utah Transit Auth.</u>, 2000 UT App 299,¶7, 13 P.3d 616.

Rule 58A(c) of the Utah Rules of Civil Procedure states that "[a] judgment is complete and shall be deemed entered for all purposes, except the creation of a lien on real property, when the same is signed and filed as herein above provided." Utah R. Civ. P. 58A(c). The district court entered the order denying Scott's postjudgment petition on September 30, 2004. Scott filed his notice of appeal on February 17, 2005, well beyond the time limitation set forth in rule 4(a). <u>See</u> Utah R. App. P. 4(a). Because Scott's notice of appeal was untimely, this court lacks jurisdiction. <u>See id.</u>; <u>Serrato</u>, 2000 UT App 299 at ¶7.

The appeal is dismissed.

James Z. Davis, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge