

IN THE UTAH COURT OF APPEALS

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John R. Sudweeks and Deanna)	MEMORANDUM DECISION
Sudweeks,)	(Not For Official Publication)
)	
Plaintiffs and Appellees,)	Case No. 20040767-CA
)	
v.)	F I L E D
)	(May 25, 2006)
Miguel David Gedo and Maria A.)	
Sanchez,)	2006 UT App 206
)	
Defendants and Appellants.)	

Fourth District, Provo Department, 010402488
The Honorable James R. Taylor

Attorneys: Miguel David Gedo and Maria A. Sanchez, Orem,
Appellants Pro Se
Brett C. Anderson, Pleasant Grove, for Appellees

Before Judges Greenwood, McHugh, and Orme.

PER CURIAM:

Miguel David Gedo and Maria Sanchez (collectively, Gedo) appeal the trial court's order quieting title to a disputed strip of property in John and Deanna Sudweeks, granting a permanent injunction, and awarding attorney fees. We affirm the order quieting title and granting the injunction, but vacate the award of attorney fees.

An appellate brief must contain an argument presenting "the contentions and reasons of the appellant with respect to the issues presented, . . . with citations to the authorities, statutes, and parts of the record relied on." Utah R. App. P. 24(a)(9). "Briefs must contain reasoned analysis based upon relevant legal authority. An issue is inadequately briefed when the overall analysis of the issue is so lacking as to shift the burden of research and argument to the reviewing court." State v. Sloan, 2003 UT App 170, ¶13, 72 P.3d 138 (quotations and citation omitted). Briefs that fail to comply with rule 24 may be disregarded. See id. "It is well established that a

reviewing court will not address arguments that are not adequately briefed." Spencer v. Pleasant View City, 2003 UT App 379, ¶20, 80 P.3d 546.

Gedo's brief fails to comply with the briefing standards and is largely incoherent. Gedo asserts over twenty issues, many repetitive, and none with legal support or reasoned argument. Instead, they are primarily legal conclusions and conclusory allegations. In sum, the briefing is insufficient to permit this court to reach most of the issues.

Furthermore, Gedo's failure to provide this court with a complete record, including a complete transcript of the trial, also precludes consideration of many of the issues. Gedo has an obligation to provide this court with a complete record in order for the court to evaluate his claims. See Utah R. App. P. 11(e)(2); State v. Penman, 964 P.2d 1157, 1162 (Utah Ct. App. 1998). "'Absent that record, [Gedo's] assignment of error stands as a unilateral allegation which the reviewing court has no power to determine.'" Id. (quoting State v. Wulffenstein, 657 P.2d 289, 293 (Utah 1982)). Further, "in the face of 'an inadequate record on appeal, [we] must assume the regularity of the proceedings below.'" State v. Miller, 718 P.2d 403, 405 (Utah 1986) (per curiam) (citation omitted); see also State v. Blubaugh, 904 P.2d 688, 699 (Utah Ct. App. 1995).

The sole issue this court may reach is the award of attorney fees. Gedo asserts that attorney fees are not available in a quiet title or boundary by acquiescence claim. The Sudweeks initiated this case as a claim for boundary by acquiescence, and later added a quiet title claim. They also sought a permanent injunction prohibiting Gedo from harassing them.

"The general rule in Utah is that . . . a party is entitled to attorney fees only if authorized by statute or by contract." Meadowbrook, LLC v. Flower, 959 P.2d 115, 117 (Utah 1998). The Sudweeks prevailed on a quiet title action and a claim for an injunction, neither of which provide for attorney fees by statute or rule. The Sudweeks assert that attorney fees were awarded as a sanction for contempt. Even if such a sanction were permissible, there is no finding of contempt in the trial court's order. Thus, there is no basis for an award of attorney fees. As a result, the award of attorney fees must be vacated.

In sum, the trial court's award of attorney fees to the Sudweeks is vacated and the order is affirmed in all other respects.

Pamela T. Greenwood,
Associate Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge