

IN THE UTAH COURT OF APPEALS

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Transworld Systems, Inc., dba)	MEMORANDUM DECISION
Credit Management Services of)	(Not For Official Publication)
Colorado,)	
)	Case No. 20080253-CA
Plaintiff and Appellee,)	
)	
v.)	F I L E D
)	(July 3, 2008)
)	
Wilson R. Barton,)	2008 UT App 256
)	
Defendant and Appellant.)	

Third District, West Jordan Department, 030407477
The Honorable Royal I. Hansen

Attorneys: Wilson R. Barton, Taylorsville, Appellant Pro Se
Thomas A. Cannon, Sandy, for Appellee

Before Judges Bench, Davis, and McHugh

PER CURIAM:

Wilson R. Barton appeals from the district court's order denying his motion to set aside the entry of a default judgment. This matter is before the court on its sua sponte motion for summary disposition on the basis that the issues presented are so insubstantial as to not merit further proceedings. We affirm.

We review a district court's decision whether or not to set aside a default judgment for abuse of discretion. See Lund v. Brown, 2000 UT 75, ¶ 11, 11 P.3d 277. In the present case, Barton filed his motion to set aside the default judgment over three and one-half years after the default judgment was entered. The district court determined that the motion was untimely. See Utah R. Civ. P. 60(b) (stating that motions under this rule must be made within a reasonable time). Further, the court noted that although Barton's motion purported to challenge the jurisdiction of the district court, the district court had previously ruled that it had jurisdiction over the matter and Barton could not use his motion to relitigate the matter.

Under the circumstances, we cannot conclude that the district court abused its discretion in denying the motion.

Barton made no effort to explain why he waited over three and one-half years to file his motion. More importantly, Barton fails to demonstrate that the district court lacked subject matter jurisdiction over the action. Contrary to Barton's assertions, Utah Code sections 12-1-1 and 12-1-9 do not operate to define any aspect of a district court's jurisdiction. See Utah Code Ann. §§ 12-1-1, -9 (2005). Accordingly, Barton's arguments are without merit.

Affirmed.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge