

1 **Rule 4. Appeal as of right: when taken.**

2 (a) Appeal from final judgment and order. In a case in which an appeal is permitted
3 as a matter of right from the trial court to the appellate court, the notice of appeal
4 required by Rule 3 shall be filed with the clerk of the trial court within 30 days after the
5 date of entry of the judgment or order appealed from. However, when a judgment or
6 order is entered in a statutory forcible entry or unlawful detainer action, the notice of
7 appeal required by Rule 3 shall be filed with the clerk of the trial court within 10 days
8 after the date of entry of the judgment or order appealed from.

9 (b) ~~Motions post judgment or order. Time for appeal extended by certain motions. If~~
10 ~~a timely motion under the Utah Rules of Civil Procedure is filed in the trial court by any~~
11 ~~party (1)~~

12 (b)(1) If a party timely files in the trial court any of the following motions, the time for
13 all parties to appeal from the judgment runs from the entry of the order denying a motion
14 for new trial or disposing of any other listed motion:

15 (b)(1)(A) a motion for judgment under Rule 50(b) of the Utah Rules of Civil
16 Procedure;

17 (b)(1)(B) ~~(2) under Rule 52(b)~~ a motion to amend or make additional findings of fact,
18 whether or not an alteration of the judgment would be required if the motion is granted,
19 under Rule 52(b) of the Utah Rules of Civil Procedure;

20 (b)(1)(C) ~~(3) under Rule 59~~ a motion to alter or amend the judgment under Rule 59
21 of the Utah Rules of Civil Procedure; or

22 (b)(1)(D) ~~(4) under Rule 59~~ a motion for a new trial under Rule 59 of the Utah Rules
23 of Civil Procedure; or

24 (b)(1)(E) a motion for a new trial under Rule 24 of the Utah Rules of Criminal
25 Procedure.

26 ~~the time for appeal for all parties shall run from the entry of the order denying a new~~
27 ~~trial or granting or denying any other such motion. Similarly, if a timely motion is filed in~~
28 ~~the trial court (1) for a new trial under Rule 24 of the Utah Rules of Criminal Procedure;~~
29 ~~or (2) to withdraw a plea under Utah Code Ann. § 77-13-6, the time for appeal for all~~
30 ~~parties shall run from the entry of the order denying a new trial or granting or denying~~

31 ~~the motion to withdraw the plea. A notice of appeal filed before the disposition of any of~~
32 ~~the above motions shall have no effect. A new notice of appeal must be filed within the~~
33 ~~prescribed time measured from the entry of the order of the trial court disposing of the~~
34 ~~motion as provided above.~~

35 (b)(2) A notice of appeal filed after announcement or entry of judgment, but before
36 entry of an order denying a motion for new trial or disposing of any other motion listed in
37 Rule 4(b), shall be treated as filed after entry of the order and on the day thereof, except
38 that such a notice of appeal is effective to appeal only from the underlying judgment. To
39 appeal from an order denying a motion for new trial or disposing of any other motion
40 listed in Rule 4(b), a party must file a notice of appeal or an amended notice of appeal
41 within the prescribed time measured from the entry of the order.

42 (c) Filing prior to entry of judgment or order. ~~Except as provided in paragraph (b) of~~
43 ~~this rule, a~~ A notice of appeal filed after the announcement of a decision, judgment, or
44 order but before the entry of the judgment or order of the trial court shall be treated as
45 filed after such entry and on the day thereof.

46 (d) Additional or cross-appeal. If a timely notice of appeal is filed by a party, any
47 other party may file a notice of appeal within 14 days after the date on which the first
48 notice of appeal was filed, or within the time otherwise prescribed by paragraphs (a) and
49 (b) of this rule, whichever period last expires.

50 (e) Extension of time to appeal. The trial court, upon a showing of excusable neglect
51 or good cause, may extend the time for filing a notice of appeal upon motion filed not
52 later than 30 days after the expiration of the time prescribed by paragraphs (a) and (b)
53 of this rule. A motion filed before expiration of the prescribed time may be ex parte
54 unless the trial court otherwise requires. Notice of a motion filed after expiration of the
55 prescribed time shall be given to the other parties in accordance with the rules of
56 practice of the trial court. No extension shall exceed 30 days past the prescribed time or
57 10 days from the date of entry of the order granting the motion, whichever occurs later.

58 (f) Appeal by an Inmate Confined in an Institution. If an inmate confined in an
59 institution files a notice of appeal in either a civil or criminal case, the notice of appeal is
60 timely filed if it is deposited in the institution's internal mail system on or before the last

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61 day for filing. Timely filing may be shown by a notarized statement or written declaration
62 setting forth the date of deposit and stating that first-class postage has been prepaid. If
63 a notice of appeal is filed in the manner provided in this paragraph (f), the 14-day period
64 provided in paragraph (d) runs from the date when the trial court receives the first notice
65 of appeal.

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