

1 **Rule 12. Appeals.**

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3 (a) Any party may appeal a final order or judgment within 30 calendar days after entry of
4 judgment or order or after denial of a motion to set aside the judgment or order, whichever is
5 later. If a party appeals the judgment in a small claims action that was tried without a jury and
6 any party meets the requirements of Utah Rules of Civil Procedure Rule 38(b), the trial de novo
7 in the district court shall be by a jury in accordance with Utah Rules of Civil Procedure Rules 38,
8 39, 47, 48, 49, 50, 51 and 52.

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10 (b) To appeal, the appealing party must file a notice of appeal in the court issuing the judgment.
11 Unless waived upon filing an affidavit of impecuniosity, the appropriate fee must accompany the
12 notice of appeal.

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14 (c) Upon the receipt of the notice of appeal, the clerk of the district court shall schedule the new
15 trial and notify the parties. All proceedings on appeal will be held in accordance with these rules,
16 except that the parties will not file an affidavit or counter affidavit and the district court may
17 order parties to exchange information prior to trial.

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19 (d) The district court shall issue all orders governing the new trial. The new trial of a justice court
20 adjudication shall be heard in the district court nearest to and in the same county as the justice
21 court from which the appeal is taken. The new trial of an adjudication by the small claims
22 department of the district court shall be held at the same district court.

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24 (e) A judgment debtor may stay the judgment during appeal by posting a supersedeas bond with
25 the district court. The stay shall continue until entry of the final judgment or order of the district
26 court.

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28 (f) Within 10 business days after filing the notice of appeal, the justice court shall transmit to the
29 district court the notice of appeal, the district court fees, a certified copy of the register of actions,
30 and the original of all papers filed in the case.

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32 (g) Upon the entry of the judgment or final order of the district court, the clerk of the district
33 court shall transmit to the justice court that rendered the original judgment notice of the manner
34 of disposition of the case.

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36 (h) The district court may dismiss the appeal and remand the case to the justice court if the
37 appellant:

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39 (h)(1) fails to appear;

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41 (h)(2) fails to take any step necessary to prosecute the appeal; or

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43 (h)(3) requests the appeal be dismissed.

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45 (i) If a defendant elects to remove a small claims case to the district court pursuant to Rule 4A,
46 the matter shall be treated as if it were filed in the first instance in district court and the parties

47 shall be entitled to any appeal rights available to cases not brought in small claims.