

1998

Jeroldene Bayles nka Jeroldene Bailey v. Randee Bayles : Brief of Petitioner

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca2



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Craig C. Halls; Attorney for Respondent.

Rosalie Reilly; Utah Legal Services; Attorney for Petitioner.

Recommended Citation

Legal Brief, *Bayles v. Bayles*, No. 980347 (Utah Court of Appeals, 1998).
https://digitalcommons.law.byu.edu/byu_ca2/1616

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

JTAH
DOCUMENT
KFU
50
A10
DOCKET NO. 980347-CA

BRIEF

BLUEZ

IN THE UTAH COURT OF APPEALS

JEROLDENE BAYLES, n.k.a.

JEROLDENE BAILEY,

Plaintiff/Appellant/
Petitioner,

vs.

RANDEE BAYLES,

Defendant/Appellee/
Respondent.

*

*

*

*

*

*

*

*

*

*

Case No. 980347-CA

Priority 10

ADDENDUM TO
BRIEF OF THE PETITIONER

INTERLOCUTORY APPEAL FROM THE ORDER
DENYING PETITIONER'S MOTION TO DISMISS
RESPONDENT'S MOTION FOR MODIFICATION,
IN THE SEVENTH DISTRICT COURT
IN AND FOR SAN JUAN COUNTY, STATE OF UTAH
THE HONORABLE LYLE R. ANDERSON, PRESIDING

UTAH LEGAL SERVICES
BY: ROSALIE REILLY #6637
148 South Main, #1
Post Office Box 404
Monticello, Utah 84535
Telephone: (435) 587-3266
Attorneys for Petitioner

CRAIG C. HALLS
333 South Main
Blanding, Utah 84511
Telephone: (435) 678-3333
Attorney for Respondent

FILED

OCT 20 1998

COURT OF APPEALS

TABLE OF CONTENTS

<u>Determinative Rules and Statutes</u>	<u>Page</u>
Rule 5(a), Utah Rules of Appellate Procedure	2
Rule 60(b), Utah Rules of Appellate Procedure	2, 3
Utah Code § 30-3-5(3)	3
 Certificate of Mailing	 4

A. Rule 5(a), Utah Rules of Appellate Procedure:

Petition for permission to appeal. An appeal from an interlocutory order may be sought by any party by filing a petition for permission to appeal from the interlocutory order with the clerk of the appellate court with jurisdiction over the case within 20 days after the entry of the order of the trial court, with proof of service on all other parties to the action. A timely appeal from an order certified under Rule 54(b), Utah Rules of Civil Procedure, that the appellate court determines is not final may, in the discretion of the appellate court, be considered by the appellate court as a petition for permission to appeal an interlocutory order. The appellate court may direct the appellant to file a petition that conforms to the requirements of paragraph (c) of this rule.

B. Rule 60(b), Utah Rules of Appellate Procedure:

Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may in the furtherance of justice relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has

been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2), or (3) not more than 3 months after the judgment, order or proceeding was entered or taken.


A motion under this Subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding or to set aside a judgment for fraud upon the motion as prescribed in these rules or by an independent action.

C. Utah Code § 30-3-5(3):

The court has continuing jurisdiction to make subsequent changes or new orders for the custody of the children and their support, maintenance, health, and dental care, and for distribution of the property and obligations for debts as is reasonable and necessary.

CERTIFICATE OF MAILING

I hereby certify that I mailed two true and correct copies of the foregoing Addendum to Brief of Appellant to Craig C. Halls, 333 South Main, Blanding, UT 84511, postage prepaid, this 20th day of October, 1998.

A handwritten signature in black ink, consisting of a large, stylized capital 'R' followed by a horizontal line extending to the right.