

UTAH COURT OF APPEALS

Tripp v. Zen Zone Homes LLC

Tripp, 2026 UT App 69 (Utah Ct. App. 2026) · No. 20241175-CA · Decided April 30, 2026

SUMMARY

The Utah Court of Appeals affirmed summary judgment and an attorney-fee award in favor of Zachary Tripp against Zen Zone Homes LLC. The court held that Zen Zone failed to preserve its challenges concerning the timeliness of the summary-judgment motion and expert disclosures, its due-process arguments regarding corporate representation, and the timing of the attorney-fee award. The court awarded Tripp reasonable attorney fees incurred on appeal and remanded for determination of the amount.

CASE DETAILS

COURT	Utah Court of Appeals
WRITING FOR THE COURT	Judge Gregory K. Orme; Judge David N. Mortensen; Judge John D. Luthy
JURISDICTION	Utah Court of Appeals
DECIDED	April 30, 2026
DOCKET	20241175-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Zen Zone Homes LLC appealed the district court's grant of summary judgment and award of attorney fees to Zachary Tripp.
STANDARD OF REVIEW	Legal conclusions, summary judgment rulings, constitutional due-process issues, and application of the Utah Rules of Civil Procedure are ordinarily reviewed for correctness. The court did not reach the merits because the issues were unpreserved.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Zen Zone Homes LLC v. Zachary Tripp

TOPICS

[summary judgment](#)[preservation of error](#)[appellate procedure](#)[attorney fees](#)[due process](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Zen Zone preserved its challenges to the timeliness of Tripp's summary judgment motion and expert disclosures.
2. Whether Zen Zone preserved its due-process challenge to the district court's grant of summary judgment while Zen Zone was unrepresented by counsel.
3. Whether Zen Zone preserved its challenge to the district court's attorney-fee award entered before expiration of the response period.
4. Whether Tripp was entitled to attorney fees reasonably incurred on appeal and a remand to determine their amount.

HOLDINGS

1. Zen Zone did not preserve its arguments that Tripp's summary judgment motion and expert disclosures were untimely because it did not specifically raise those issues in the district court or support them with relevant legal authority and evidence.
2. Zen Zone did not preserve its due-process challenge to the summary judgment ruling because it did not raise the issue in the district court or seek appropriate post-judgment relief after retaining counsel.
3. Zen Zone did not preserve its challenge to the attorney-fee award because it did not object in the district court or seek post-judgment relief, and it did not adequately invoke an exception to preservation on appeal.
4. Tripp was entitled to attorney fees reasonably incurred on appeal under the governing contract, and the case was remanded for the district court to determine the amount.

KEY QUOTATIONS

"Because none of the issues Zen Zone raises are preserved for appeal, we affirm the district court's rulings without reaching their merits." (¶ 1)

"An issue is preserved for appeal when it has been presented to the district court in such a way that the court has an opportunity to rule on it" (¶ 10)

"In sum, because 'preservation . . . must prevail over legal correctness,' Goldenwest Fed. Credit Union v. Kenworthy, 2017 UT App 191, ¶ 16, 406 P.3d 253, we affirm the district court's grant of summary judgment in Tripp's favor without reaching the merits of any of the challenges Zen Zone raises on appeal." (¶ 22)

FACTUAL BACKGROUND

Tripp alleged that Zen Zone performed substandard landscaping work at his home and sued for breach of contract and breach of warranty, seeking at least \$44,618.41 in repair costs. Zen Zone's managing principals filed a pro se answer, but the company did not otherwise meaningfully participate in discovery or retain counsel until

after summary judgment and judgment were entered. Tripp moved for summary judgment supported by expert and cost evidence, and the district court granted the motion, later awarding Tripp contractual attorney fees.

PROCEDURAL HISTORY

Tripp sued Zen Zone for breach of contract and breach of warranty arising from landscaping work. The district court granted Tripp summary judgment and entered judgment for \$44,618.41, then awarded him \$6,960 in attorney fees. Zen Zone appealed and amended its notice of appeal to challenge the fee award, but it had not raised the relevant objections in the district court. The Utah Court of Appeals affirmed the rulings without reaching their merits and remanded for determination of appellate attorney fees.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The district court must determine the amount of Tripp's reasonable attorney fees incurred on appeal.

CASES CITED

- Globe Contracting LLC v. Hour, 2025 UT App 98, ¶ 12 n.3, 575 P.3d 235
- Penunuri v. Sundance Partners, Ltd., 2017 UT 54, ¶ 14, 423 P.3d 1150
- Salt Lake City Corp. v. Jordan River Restoration Network, 2012 UT 84, ¶ 47, 299 P.3d 990
- In re G.C., 2025 UT App 182, ¶ 8, 583 P.3d 592, cert. denied, Apr. 14, 2026 (No. 20260048)
- State v. Tolman, 2025 UT App 188, ¶ 15, 582 P.3d 1277, cert. denied, Apr. 7, 2026 (No. 20260210)
- Patterson v. Patterson, 2011 UT 68, ¶ 16, 266 P.3d 828
- State v. Johnson, 2017 UT 76, ¶¶ 14-15, 50, 416 P.3d 443
- State v. Winter, 2024 UT App 98, ¶ 12, 554 P.3d 355, cert. denied, 558 P.3d 88 (Utah 2024)
- Winn v. McKinlay, 2025 UT App 16, ¶ 39, 565 P.3d 101
- R4 Constructors LLC v. InBalance Yoga Corp., 2020 UT App 169, ¶ 29, 480 P.3d 1075
- CoBon Energy, LLC v. AGTC, Inc., 2011 UT App 330, ¶ 9 n.1, 264 P.3d 219
- Salazar v. Chavez, 2012 UT App 177, ¶ 3 n.2, 282 P.3d 1033
- State v. Sixteen Thousand Dollars U.S. Currency, 914 P.2d 1176, 1178 (Utah Ct. App. 1996)
- Utah Down Syndrome Found., Inc. v. Utah Down Syndrome Ass'n, 2012 UT 86, ¶ 7, 293 P.3d 241
- Goldenwest Fed. Credit Union v. Kenworthy, 2017 UT App 191, ¶ 16, 406 P.3d 253
- Kelly v. Timber Lakes Prop. Owners Ass'n, 2022 UT App 23, ¶ 44, 507 P.3d 357
- Checkerprop Utah 199 East, LLC v. Butcher, 2024 UT App 124, ¶ 34, 572 P.3d 1121, cert. denied, 561 P.3d 691 (Utah 2024)