

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

NATIONSTAR MORTGAGE LLC,	:	APPEAL NO. C-170223
	:	TRIAL NO. A-1603305
Plaintiff-Appellee,	:	
	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
CORA LEE MILLER,	:	
	:	
UNKNOWN SPOUSE, IF ANY, OF	:	
CORA LEE MILLER,	:	
	:	
OTIS L. MILLER, JR.,	:	
	:	
UNKNOWN SPOUSE, IF ANY, OF	:	
OTIS L. MILLER, JR.,	:	
	:	
and	:	
	:	
STATE OF OHIO, DEPARTMENT OF	:	
TAXATION, et al.,	:	
	:	
Defendants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Appellant Sharon Woods has filed a notice of appeal from the trial court’s judgment entry for foreclosure on real property in favor of plaintiff-appellee Nationstar Mortgage LLC (“Nationstar”).

In 2009, defendants Cora Lee Miller and her son Otis L. Miller, Jr., purchased a home on Bevis Avenue in Cincinnati. To finance the purchase, they executed a note in the amount of \$117,075. The note was secured by a mortgage. Both documents were ultimately assigned to Nationstar. In 2016, the Millers defaulted on their repayment obligations. As provided in the documents, Nationstar accelerated repayment of the note. The principal due was \$102,959.18 plus interest from June 30, 2016.

Nationstar filed this action seeking judgment on the note and mortgage. Otis L. Miller, Jr., was served by process server. Nationstar subsequently learned that Cora Lee Miller had died. It was able to locate only one of her heirs, a daughter, Vicki A. Shohan. By order of the trial court, she was added as a party to the foreclosure. Upon the affidavit of Nationstar's counsel that, after diligent inquiry, no other heirs had been found, the trial court authorized Nationstar to serve the remaining unknown heirs of Cora Lee Miller, if any, by publication.

Following service, no party, including Otis L. Miller, Jr., and Shohan, answered the complaint. Nationstar moved for default judgment supported by the affidavit of its document specialist. The trial court granted the unopposed motion and entered final judgment of foreclosure on April 17, 2017.

Thirty days later, Woods filed a notice of appeal from that judgment. Despite her assertion that she had learned of the foreclosure action at some time "in 2016," Woods had not come forward in any other way during the trial-court proceedings. The only document that she filed in the trial court was her May 2017 notice of appeal. In that document and in her appellate brief, she stated that Cora Lee Miller was her mother, and that Nationstar had failed to provide "service, by mail," to her.

But an appealing party must have an immediate interest, demonstrated in the record, in the dispute at bar. "[F]uture, contingent or speculative" interests are

insufficient to confer standing to appeal. *See Ohio Contract Carriers Assn. v. Pub. Util. Comm.*, 140 Ohio St. 160, 161, 42 N.E.2d 758 (1942); *see also Midwest Fireworks Mfg. Co. v. Deerfield Twp. Bd. of Zoning Appeals*, 91 Ohio St.3d 174, 177, 743 N.E.2d 894 (2001). Thus, a person who is not an original party to the action, or who has not become a party by the means provided in the Civil Rules, including intervention under Civ.R. 24, lacks standing to appeal. *See State ex rel. Jones v. Wilson*, 48 Ohio St.2d 349, 358 N.E.2d 605 (1976); *see also Chase Bank USA, N.A. v. Jacobs*, 10th Dist. Franklin No. 11AP-343, 2012-Ohio-64, ¶ 7.

Woods, not being a party to the cause in the trial court and not having attempted to intervene as a party, is without capacity to appeal here. The appeal is, therefore, dismissed sua sponte. *See State ex rel. Lipson v. Hunter*, 2 Ohio St.2d 225, 208 N.E.2d 133 (1965).

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on March 9, 2018
per order of the court _____.
Presiding Judge