

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

PNC BANK, N.A.,	:	APPEAL NO. C-180332
	:	TRIAL NO. A-1703132
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
LEONARD A. ROBINSON, SR., et al,	:	
	:	
Defendants,	:	
vs.	:	
QUINCY M. ROBINSON, d.b.a.	:	
MAJESTIC CONSTRUCTION	:	
COMPANY,	:	
	:	
Intervenor-Defendant-	:	
Appellant.	:	

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.

Quincy M. Robinson, d.b.a. Majestic Construction Company (“Majestic”), appeals the trial court’s denial of a “motion to intervene” in a foreclosure action brought in June 2017 by PNC Bank, N.A., (“PNC”) against Leonard A. and Ocie Robinson and another defendant, but not Majestic. PNC’s action was predicated on a note and mortgage that was recorded in 2004 for property located on St. James Avenue.

Majestic’s motion, filed after the court had entered a decree in foreclosure as requested by PNC in its complaint, sought intervention to file a “complaint in foreclosure”

with respect to the same property. The trial court interpreted the complaint as one asserting a claim of interest in the property due to a purported August 2017 mechanics' lien, but found the motion moot.

Majestic's sole assignment of error on appeal challenges the trial court's denial of its motion to intervene as an abuse of discretion. In relief, Majestic requests that this court reverse the trial court's decision and remand the cause for further proceedings so it can assert its interest in the property.

PNC argues the appeal should be dismissed as moot because the events that have transpired make it impossible for this court to grant any effectual relief to Majestic even if Majestic were to prevail. The record reflects that there has been no stay of execution and that the property was sold at a sheriff's sale, the sale was confirmed, and the proceeds of the sale have been distributed. Further, there are no pending appeals from the foreclosure decree or the confirmation of sale.

In Ohio, "courts decide actual controversies, not abstract propositions. If events transpire post-judgment that make it impossible for an appellate court to grant any effectual relief, the appellate court has nothing to decide and the appeal is rendered moot." *Ardire v. Westlake City Council*, 8th Dist. Cuyahoga No. 99347, 2013-Ohio-3533, ¶ 3, citing *Miner v. Witt*, 82 Ohio St. 237, 92 N.E. 21 (1910), syllabus.

"In foreclosure cases, as in all other civil actions, after the matter has been extinguished through satisfaction of the judgment, the individual subject matter of the case is no longer under the control of the court and the court cannot afford relief to the parties to the action." *Bankers Trust Co. of California, N.A. v. Tutin*, 9th Dist. Summit No. 24329, 2009-Ohio-1333, ¶ 16, quoted in *Art's Rental Equip., Inc. v. Bear Creek Constr., LLC*, 1st Dist. Hamilton No. C-110544, 2012-Ohio-5371, ¶ 9.

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In this case, PNC's judgment has been satisfied and the proceeds of the sale are no longer under the jurisdiction and control of the court. At this point, there is no foreclosure action for Majestic to intervene in to assert its interest. No purpose would be served by reversing the trial court. Therefore, we dismiss this appeal as moot.

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.

**ZAYAS, P.J., CROUSE and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on August 14, 2019  
per order of the court \_\_\_\_\_.  
Presiding Judge