

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

ELIZABETH HENDERSON,	:	APPEAL NO. C-180443
Plaintiff-Appellee,	:	TRIAL NO. 18CV-13243
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
BOBBY BALL,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar. 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.

Defendant-appellant Bobby Ball appeals the Hamilton County Municipal Court’s issuance of a writ of restitution in a forcible-entry-and-detainer action brought by plaintiff-appellee Elizabeth Henderson. For the following reasons, we dismiss this appeal as moot.

Henderson filed an action in forcible entry and detainer seeking to regain possession of her apartment located at 739 Oak Street in Cincinnati from Ball, and seeking damages in an amount of \$3,000, well within the municipal court’s \$15,000 jurisdictional limit. *See* R.C. 1901.17, 1901.18(A)(18) and 1923.01(A).

Ball received proper notice of the action. Following a brief hearing, the magistrate issued a decision granting restitution of the premises to Henderson and continuing her damages claim. The municipal court ultimately adopted the magistrate’s decision and issued the writ of restitution. Ball sought stays of the writ in both the municipal court and

in this court. But he was unable to obtain the stays and did not post a supersedeas bond. The record reflects that the writ was executed on and Ball was physically evicted from the premises on August 2, 2018. On appeal, Ball raises two assignments of error, neither of which challenges the denial of his requests for a stay of execution.

An action for forcible entry and detainer serves as an expedited mechanism by which an aggrieved landlord may recover possession of real property. *Miele v. Ribovich*, 90 Ohio St.3d 439, 441, 739 N.E.2d 333 (2000). The action determines the right to immediate possession of the real property and nothing else. *Seventh Urban, Inc. v. Univ. Circle Property Dev., Inc.*, 67 Ohio St.2d 19, 423 N.E.2d 1070 (1981), fn. 11. Generally, if immediate possession of the property is no longer at issue, then there is no further relief that may be granted on appeal and the case becomes moot. *See Dixon v. Anderson*, 1st Dist. Hamilton No. C-170418, 2018-Ohio-2312, ¶ 6; *see also State ex rel. Cincinnati Enquirer v. Hunter*, 141 Ohio St.3d 419, 2014-Ohio-5457, 24 N.E.3d 1170, ¶ 4. When a case becomes moot, it must be dismissed. *Hunter* at ¶ 4.

The stay procedures identified in R.C. 1923.14 provide the “only method by which a defendant appealing a judgment of forcible entry and detainer may prevent the cause from becoming moot.” *Long v. MacDonald*, 3d Dist. Crawford No. 3-02-10, 2002-Ohio-4693, ¶ 9, citing *Crossings Dev. Ltd. Partnership v. H.O.T., Inc.*, 96 Ohio App.3d 475, 481, 645 N.E.2d 159 (9th Dist.1994). But if a defendant fails to obtain a stay of execution or to post a supersedeas bond, as contemplated in R.C. 1923.14, all issues relating to the forcible-entry-and-detainer action are rendered moot. *See Millennia Hous. Mgt., Ltd. v. Withrow*, 4th Dist. Athens No. 12CA2, 2013-Ohio-278, ¶ 8; *see also Harry v. Russo*, 11th Dist. Geauga No. 2015-G-0043, 2015-Ohio-5338, ¶ 6.

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Here, Ball was unable to obtain a stay pursuant to R.C. 1923.14. The record reflects that he was put out of the premises. Thus his appeal of the forcible-entry-and-detainer action is rendered moot.

Therefore, the appeal is dismissed.

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.

MOCK, P.J., MYERS and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on November 6, 2019,
per order of the court _____.
Presiding Judge