

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

LAKEVIEW LOAN SERVICING, LLC,	:	APPEAL NO. C-190284
	:	TRIAL NO. A-1802530
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
TYAHNNA AUSTIN,	:	
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.

In 2012, defendant-appellant Tyahanna Austin bought a home with money she borrowed from American Financial Resources. That loan was executed through a promissory note and was secured by the property through a mortgage deed. That mortgage was assigned to plaintiff-appellee Lakeview Loan Servicing, LLC, (“Lakeview”). After Austin defaulted on her payments of the mortgage, Lakeview filed a foreclosure action. The trial court granted Lakeview’s motion for summary judgment and granted the foreclosure. Austin appealed that decision in the instant appeal. The case then proceeded to a sheriff’s sale. Austin filed an “objection to sale,” because “the * * * case is currently being heard in the Common Pleas Appellate Division Hamilton County Clerk Of Courts Case Number C1900284.” But Austin did not file a motion to stay the proceedings pending the appeal nor did she post an appeal bond. The trial court overruled her objection after a hearing. Austin made no further attempts to stay the proceedings in either the trial court or this court. The property was sold at auction, the proceeds of the sale were ordered disbursed by the trial court, and the home is now owned by a third party.

In two assignments of error, Austin claims that the trial court erred by granting Lakeview’s motion for summary judgment and by “ignoring” her “cross

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summary judgment.” But the property has been sold to a third party and the proceeds of the sale have been disbursed. An appeal of a foreclosure decision is moot when “the property was sold at sheriff’s sale, the trial court confirmed the sale, [the] proceeds have been distributed[, the] defendants-appellants failed to obtain a stay of the trial court’s judgment, and they did not post an appeal bond.” *Art’s Rental Equip., Inc. v. Bear Creek Constr., L.L.C.*, 1st Dist. Hamilton No. C-110544, 2012-Ohio-5371, ¶ 13.

Austin claims that she did seek a stay, but the record does not support this assertion. She filed an objection to the sale proceeding, which was overruled by the trial court. Even if her objection could be read as a motion for a stay, the motion was denied, and Austin failed to seek a stay from this court in the alternative. This appeal is now moot and is hereby dismissed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

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

To the clerk:

Enter upon the journal of the court on June 10, 2020

per order of the court _____.

Presiding Judge