

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

Danny Chenault et al.,	:	
Plaintiffs-Appellants,	:	
v.	:	No. 14AP-669
Deutsche Bank National Trust Co. et al.,	:	(C.P.C. No. 12CV-6237)
Defendants-Appellees.	:	(REGULAR CALENDAR)

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D E C I S I O N

Rendered on June 23, 2015

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*The Behal Law Group LLC, and John M. Gonzales, for  
appellants.*

*Manley Deas Kochalski LLC, and Matthew J. Richardson,  
for appellees.*

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ON APPLICATION FOR RECONSIDERATION

TYACK, J.

{¶ 1} Appellants, Danny Chenault et al., have filed an application for reconsideration pursuant to App.R. 26(A)(1)(a) requesting that this court reconsider our May 14, 2015 decision in *Chenault v. Deutsche Bank Natl. Trust Co.*, 10th Dist. No. 14AP-669, 2015-Ohio-1850. For the following reasons, the motion is denied

{¶ 2} When analyzing an application for reconsideration, we must determine whether an App.R. 26(A) application "calls to the attention for the court an obvious error in its decision or raises an issue for our consideration that was either not considered at all or was not fully considered by us when it should have been." *Matthews v. Matthews*, 5 Ohio App.3d 140, 143 (10th Dist.1981). An appellate court will not grant an application for reconsideration merely because a party disagrees with the logic or conclusions of the

underlying decision. *Callander v. Callander*, 10th Dist. No. 07AP-746, 2008-Ohio-3128, ¶ 2.

{¶ 3} Appellants argue that while Appellee Deutsche Bank is the holder of the note there is no evidence that Deutsche Bank was in possession of the note when Linda McCreary first filed a lawsuit in March 23, 2011 or when mortgage payments were made around this time. Appellants argue that the affidavit of Rebecca Marks does not establish when Deutsche Bank took possession of the note. The affidavit clearly states that currently and prior to the filing of claim Deutsche Bank had possession of the note. (R. 175, Appellees' Motion for Summary Judgment, Rebecca Marks Affidavit, ¶ 5(a)).

{¶ 4} Appellants have failed to call to attention an obvious error or raise an issue that was not considered. Deutsche Bank according to the submitted affidavit was in possession of the note which is a blank endorsement when it filed its claim. Once again the thrust of Appellants' argument is that the transfer of the mortgage was fraudulent and that this uncertainty stretches forward in time to undermine the elements of Deutsche Bank's claims. However, we have stated that whether or not a prior assignment was fraudulent is irrelevant in this case since it did not affect the granting of summary judgment. *Chenault* at ¶ 16, citing *Turner v. Turner*, 67 Ohio St.3d 337 (1993). Deutsche Bank can still enforce the note and the mortgage since it had possession of the note when it filed its claim. See R.C. 1309.20; *United States Bank Natl. Assn. v. Gray*, 10th Dist. No. 12AP-953, 2013-Ohio-3340; *Deutsche Bank Natl. Trust Co. v. Najar*, 8th Dist. No. 98502, 2013-Ohio-1657.

{¶ 5} We will not grant an application for reconsideration merely because a party disagrees with the logic or conclusions of the underlying decision. Based on the foregoing, we deny appellants' application for reconsideration.

*Application denied.*

SADLER and DORRIAN, JJ., concur.

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