

[Cite as *Wells Fargo Bank of Minnesota v. Williams*, 2003-Ohio-1372.]

**COURT OF APPEALS
THIRD APPELLATE DISTRICT
MARION COUNTY**

WELLS FARGO BANK OF MINNESOTA

CASE NUMBER 9-02-55

PLAINTIFF-APPELLEE

v.

OPINION

PATRICK WILLIAMS

DEFENDANT-APPELLEE

AND

MARK E. SCHLECHT

INTERVENOR-APPELLANT

CHARACTER OF PROCEEDINGS: Civil Appeal from Common Pleas Court.

JUDGMENT: Appeal dismissed.

DATE OF JUDGMENT ENTRY: March 21, 2003.

ATTORNEYS:

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For Plaintiff-Appellee.

BRYANT, P.J.

{¶1} Appellant Mark E. Schlecht (“Schlecht”) brings this appeal from the judgment of the Court of Common Pleas of Marion County setting aside a sheriff’s sale.

{¶2} On August 30, 2002, a parcel of real estate was offered for sale by the Sheriff of Marion County. The appraised value of the parcel was \$65,000. At the sale, Schlecht was the successful bidder at \$56,100. On September 3, 2002, appellee Wells Fargo Bank (“Wells”) sought to have the sale set aside. The basis for its motion was that its agent had been confused and stopped bidding before he was supposed to do so. On September 5, 2002, Schlecht filed a motion to intervene and for specific performance. The trial court overruled the motion to intervene and granted Wells’ motion to vacate the sale. It is from this judgment that Schlecht appeals and raises the following assignment of error.

Where a judicial sale has been held and conforms to the requirements of [R.C. 2329.01-61 inclusive], then it is not an abuse of discretion for the trial court to overrule [Well’s] motion to set aside the Sheriff’s sale and prevent confirmation of sale.

{¶3} This court may not address Schlecht's assignment of error because Schlecht has no standing to bring the appeal.

[P]urchasers at a foreclosure sale have no vested interest in the property prior to confirmation of the sale by the trial court. As a result, the purchasers have no standing to appeal if the trial court subsequently denies confirmation.

{¶4} *Ohio Savings Bank v. Ambrose* (1990), 56 Ohio St.3d 53, 55, 563 N.E.2d 1388. Since the sale had not been confirmed, Schlecht does not have standing to appeal the trial court's decision to vacate the sale. Thus, the appeal is dismissed.

Appeal dismissed.

SHAW and CUPP, JJ., concur.