

COURT OF APPEALS
DELAWARE COUNTY, OHIO
FIFTH APPELLATE DISTRICT

CHASE HOME FINANCE, LLC

Plaintiff-Appellee

-vs-

GILBERT FORD, ET AL

Defendant-Appellant

JUDGES:

Hon. W. Scott Gwin, P.J.

Hon. William B. Hoffman, J.

Hon. John W. Wise, J.

Case No. 2011-CAE-10 0096

OPINION

CHARACTER OF PROCEEDING:

Civil appeal from the Delaware County
Court of Common Pleas, Case No.
09CVE111550

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

February 3, 2012

APPEARANCES:

For: JP Morgan Chase Bank, N.A.
As successor by merger to
Chase Home Finance LLC
ANNE MARIE SFERRA
NELSON M. REID
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215-4291

For: Defendant-Appellant
Gilbert Ford
JOHN SHERROD
Jump Legal Group, LLC
2130 Arlington Avenue
Columbus, OH 43221

Gwin, P.J.

{¶ 1} Defendant Gilbert P. Ford appeals a judgment of the Court of Common Pleas of Delaware County, Ohio, which overruled his motion to extend the time in which he could exercise his statutory right of redemption after a sheriff's sale of his property. Plaintiff-appellee is J.P. Morgan Chase Bank, successor in interest by merger to plaintiff Chase Home Finance LLC.

{¶ 2} For the reasons that follow, we find we do not have jurisdiction over this foreclosure action.

{¶ 3} Appellant has appealed only the trial court's ruling on his motion for extension of time but not the order confirming the sale.

{¶ 4} Ohio law provides that appellate courts have jurisdiction to review only final orders or judgments. See, generally, Section 3(B)(2), Article IV, Ohio Constitution; R.C. 2505.02. If an order is not final and appealable, then an appellate court has no jurisdiction to review the matter and it must be dismissed.

{¶ 5} Revised Code 2505.02 states, in relevant part:

(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

{¶ 6} (1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;

{¶ 7} (2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

{¶ 8} (3) An order that vacates or sets aside a judgment or grants a new trial;

{¶ 9} (4) An order that grants or denies a provisional remedy and to which both of the following apply:

{¶ 10} (a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.

{¶ 11} (b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.***”

{¶ 12} We find the order appealed from is not a final appealable order and we lack jurisdiction to review it.

{¶ 13} The appeal is dismissed.

By Gwin, P.J.,
Hoffman, J., and
Wise, J., concur

HON. W. SCOTT GWIN

HON. WILLIAM B. HOFFMAN

HON. JOHN W. WISE

CHASE HOME FINANCE, LLC	:	
	:	
Plaintiff-Appellee	:	
	:	
-vs-	:	JUDGMENT ENTRY
	:	
GILBERT FORD, ET AL	:	
	:	
	:	
Defendant-Appellant	:	CASE NO. 2011-CAE 10 0096

HON. W. SCOTT GWIN

HON. WILLIAM B. HOFFMAN

HON. JOHN W. WISE