[Cite as *Mackey v. Petersen*, 2026-Ohio-4439.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY

ANDREA M. MACKEY, Plaintiff-Appellee, - vs - RANDALL W. PETERSEN, et al., Defendant-Appellant.	**CASE NO. 2026-L-0027** Civil Appeal from the Court of Common Pleas Trial Court No. 2023 CV 001624

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: November 9, 2026
Judgment: Appeal dismissed

Erik L. Walter, Dworken & Bernstein Co., L.P.A., 60 South Park Place, Painesville, OH 44077 (For Plaintiff-Appellee).

Cory R. Hinton, Hanahan & Hinton, L.L.C., 7351 Center Street, Suite 1, Mentor, OH 44060 (For Defendant-Appellant).

MATT LYNCH, P.J.

{¶1} Appellant, Randall W. Petersen, appeals the judgment of the Lake County Court of Common Pleas that equitably distributed the sale proceeds of real property between him and appellee, Andrea M. Mackey, pursuant to the terms of their settlement agreement. Petersen, however, failed to obtain a stay of the trial court's judgment and the judgment has been satisfied. Accordingly, we must dismiss Petersen's appeal since there is no further relief this court may provide.

{¶2} In November 2023, Mackey filed a complaint for partition of the property located at 111812 Painesville Warren Road in Concord Township, Ohio, against

Petersen, the Lake County Treasurer, and Third Federal Savings and Loan Association of Cleveland.

{¶3} In February 2024, Petersen filed an answer and a counterclaim of conversion for personal property that Mackey allegedly took when she had sole possession of the property.

{¶4} In May 2025, the court issued an "agreed judgment entry and dismissal," memorializing the parties' settlement agreement, which in relevant part centered around a pending sale of the property. The parties agreed the sale proceeds would remain in the title company's escrow account until the proceeds were mutually divided by agreement of both parties, and they agreed how to equitably divide the proceeds. If a mutual resolution could not be reached, the parties agreed "to have the Court schedule a hearing to make a decision on the distribution after hearing testimony and considering all evidence presented at same said hearing." The court reserved jurisdiction to enforce the terms of the agreement.

{¶5} The parties could not agree, and the trial court held a hearing on January 16, 2026.

{¶6} The trial court issued a judgment entry several weeks later, finding Mackey was entitled to $171,635.00 and Petersen was entitled to $23,161.36 of the sale proceeds. The court ordered the escrow company to release the funds to the parties and close the account.

{¶7} Petersen timely appealed and raises one assignment of error for our review:

{¶8} "The Trial Court, in its February 17, 2026 Judgment Entry, miscalculated the Defendant/Appellant's equity in the 11812 Painesville Warren Rd., Concord Twp property when it only awarded him $23,161.36 from the net sale proceeds."

{¶9} In his sole assignment of error, Petersen contends the trial court erred in calculating his share of the net proceeds in the property by failing to award him credit for "the uncontested mortgage payments and/or other qualifying contributions he made which increased the equity in the property."

{¶10} Before we can determine the merits of Petersen's argument, we must first consider an issue raised by Mackey: whether this appeal is moot because the escrow funds have been released to the parties, satisfying the court's judgment.

{¶11} We answer in the affirmative. "It is a well-established principle of law that a satisfaction of judgment renders an appeal from that judgment moot. '"Where the court rendering judgment has jurisdiction of the subject-matter of the action and of the parties, and fraud has not intervened, and the judgment is voluntarily paid and satisfied, such payment puts an end to the controversy, and takes away from the defendant the right to appeal or prosecute error or even to move for vacation of judgment."'" *Blodgett v. Blodgett*, 49 Ohio St.3d 243, 245 (1990), quoting *Rauch v. Noble*, 169 Ohio St. 314, 316 (1995), quoting *Lynch v. Lakewood City School Dist. Bd. of Edn.*, 116 Ohio St. 361 (1927), paragraph three of the syllabus.

{¶12} Fundamentally, Petersen failed to file a motion for a stay of the trial court's judgment pending appeal. As this court noted in *Edwards v. Wilcox*, 2024-Ohio-1123 (11th Dist.), "[j]ust as voluntarily paying a judgment renders an appeal of the judgment moot, 'accepting payment of the judgment renders an appeal from that judgment moot.' *Marotta Bldg. Co. v. Lesinski*, 2005-Ohio-558, ¶ 18 (11th Dist.), citing *Mason v. Mason*, 2002-Ohio-6042, ¶ 4-5 (8th Dist.). An appealing party's failure to obtain a stay renders a satisfied judgment 'voluntary.' *Lesinski* at ¶ 19; *RNE Ents., LLC v. Imperial Kitchen Cabinet Factory, LLC*, 2022-Ohio-1671, ¶ 5 (8th Dist.)." *Id.* at ¶ 16 (finding appeal and

cross-appeal moot in partition action where trial court's judgment had been satisfied). *See also Clarkwestern Dietrich Bldg. Sys., L.L.C. v. Certified Steel Stud Assn., Inc.*, 2020-Ohio-1431, ¶ 18 (12th Dist.) (where the appellants' failure to prevent distribution of settlement proceeds was voluntary satisfaction of the judgment, any appeal therefrom was moot); *Capitol Communications, Inc. v. GBS Corp.*, 2010-Ohio-5964, ¶ 15 (10th Dist.) (where escrowed funds were distributed pursuant to the trial court's order because the appellant did not move to stay execution of the judgment, the appeals were rendered moot).

{¶13} Lastly, the two exceptions to the mootness doctrine identified by the Supreme Court of Ohio do not apply in this case; to wit: the instant matter is not an issue capable of repetition yet evading review nor does it involve a matter of public or great general interest. *See In re Suspension of Huffer from Circleville High School*, 47 Ohio St.3d 12, 14 (1989).

{¶14} Accordingly, as the trial court's judgment has been satisfied and no exceptions to the mootness doctrine apply, Petersen's appeal is moot and there is no further relief this court can provide.

{¶15} This appeal is dismissed.

JOHN J. EKLUND, J.,

EUGENE A. LUCCI, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, appellant's assignment of error is moot. It is the judgment and order of this court that the appeal is dismissed.

Costs to be taxed against appellant.

PRESIDING JUDGE MATT LYNCH

JUDGE JOHN J. EKLUND,
concurs

JUDGE EUGENE A. LUCCI,
concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.