

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

IN THE COURT OF APPEALS FOR DELAWARE COUNTY, OHIO

FIFTH APPELLATE DISTRICT

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

For the reasons stated in our accompanying Memorandum-Opinion, the appeal is dismissed for lack of jurisdiction. Costs to appellant.

HON. W. SCOTT GWIN

HON. WILLIAM B. HOFFMAN

HON. JOHN W. WISE