

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

GYASI CHISLEY	:	APPEAL NO. C-150399
and	:	TRIAL NO. 15CV-10884
WAKENYA CHISLEY,	:	<i>JUDGMENT ENTRY.</i>
Plaintiffs-Appellees,	:	
vs.	:	
MICHAEL RICHARDSON	:	
and	:	
SHAWN WEYRICH,	:	
Defendants-Appellants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

This is an appeal in an eviction case. Because the defendants have vacated the premises, their appeal is moot.

Michael Richardson and Shawn Weyrich entered into an agreement to purchase a home from Gyasi and Wakenya Chisley. They took occupancy of the home prior to closing. But before the sale closed, a dispute arose between the parties, and a lawsuit was commenced in common pleas court. When the closing date passed without consummation of the sale, the Chisleys served a three-day notice to leave the premises on Richardson and Weyrich, who refused to vacate. The Chisleys then filed an eviction action. On June 19, the trial court adopted the magistrate's decision granting a writ of restitution of the premises and denied a

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request to stay the order. A notice of appeal was filed with this court on June 22, 2015. The next day, the writ of restitution was canceled because Richardson and Weyrich had vacated the premises.

Richardson and Weyrich's vacation of the premises rendered their appeal moot. *See Wise v. Webb*, 2d Dist. Clark No. 2015-CA-50, 2015-Ohio-4298, ¶ 12. They try to avoid this result by arguing that their lawsuit in the common pleas court demonstrates their continuing interest in the property. But "[a] forcible entry and detainer action decides only the right to immediate possession of property." *Id.* at ¶ 11. The issues raised by the common pleas lawsuit are separate from the question of the Chisleys' right to immediate possession. That question became moot when Richardson and Weyrich vacated. We therefore dismiss the appeal.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on March 9, 2016
per order of the court _____.

Presiding Judge