

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

VICTORIA MORGAN,	:	APPEAL NO. C-240043
Plaintiff-Appellee,	:	TRIAL NO. DR-1801556
vs.	:	
MARK G. JONES,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	
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PRODIGY PROPERTIES, LLC,	:	
Plaintiff,	:	
vs.	:	
MARK G. JONES, TRUSTEE OF THE	:	
MARK G. JONES REVOCABLE TRUST	:	
DATED JULY 30, 1998, et al.,	:	
Defendants.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In this post-decree matter, defendant-appellant Mark G. Jones appeals the judgment of the trial court confirming the sale of his former marital residence on Fuller Street and entering a default judgment.

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In his first and second assignments of error, Jones argues in part that the trial court erred in entering the March 29, 2023 order substituting Prodigy Properties, LLC, as the receiver for the Fuller Street property.

As an initial jurisdictional matter, plaintiff-appellee Victoria Morgan argues that Jones cannot appeal the March 29 order, because this court dismissed an earlier-filed appeal by Jones from the same order on the basis that it was not a final, appealable order. Interlocutory orders, like the March 29, 2023 order substituting a receiver for the property, are not “non-appealable . . . rather they are not immediately appealable[.]” *Dilacqua v. Dilacqua*, 88 Ohio App.3d 48, 57 (9th Dist. 1993). Interlocutory orders merge into the final judgment. *Grover v. Bartsch*, 2006-Ohio-6115, ¶ 9 (2d Dist.). An order confirming a sale by a receiver is a final, appealable order. *Mandalaywala v. Zaleski*, 124 Ohio App.3d 321, 330 (10th Dist. 1997). Here, Jones has appealed from the final order confirming the receiver’s sale of the property, and therefore, Jones can appeal any interlocutory orders that merge into the final order, such as the entry substituting a receiver.

Jones argues that the March 29, 2023 order substituting the receiver violated his due-process rights because the order was based upon an oral motion made at a hearing that he did not attend. Due process requires notice and an opportunity to be heard. *Ohio Valley Radiology Assoc., Inc. v. Ohio Valley Hosp. Assn.*, 28 Ohio St.3d 118, 125 (1986). Jones does not dispute that he had notice of the hearing, and the record shows that Jones received notice of the March 2023 hearing. Jones requested to appear at the hearing remotely, but the trial court denied his request. Therefore, Jones had notice and an opportunity to be heard, and Jones’s due-process argument lacks merit.

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Moreover, “[i]n order for a party to have standing to appeal, that party must have been aggrieved or prejudiced by the order appealed.” *Alesi v. Bd. of Cty. Commrs.*, 2014-Ohio-5192, ¶ 51 (12th Dist.). Jones has not shown that he suffered prejudice as a result of the March 29 order substituting the receiver. Jones appears to be arguing that the substitution of the receiver ultimately resulted in the final order in this case authorizing the receivership sale and entering a default judgment against defendant Mark G. Jones Revocable Trust (the “Jones Trust”). Although Jones is the trustee for the Jones Trust, “[a] trustee of a trust, who is not a licensed and registered attorney at law, may not file pleadings, argue or otherwise represent the trust as its counsel in a court.” *Bank of New York v. Miller*, 2009-Ohio-6117, ¶ 10 (5th Dist.). Jones cannot represent the interests of the Jones Trust, and the Jones Trust is not a party to this appeal. *See* App.R. 3(D).

Therefore, Jones’s arguments challenging the trial court’s March 29, 2023 order substituting a receiver for the Fuller Street property are not well-taken.

Jones’s first and second assignments of error also challenge the trial court’s January 2024 order confirming the receivership sale and entering a default judgment against the Jones Trust.

Similar to the argument Jones made with respect to the March 29, 2023 order, Jones argues that he did not receive due process with respect to the January 2024 order confirming the sale of the Fuller Street property and entering a default judgment against the Jones Trust. Jones’s argument is not well taken. The record shows that Jones received notice of the receiver’s complaint to sell the Fuller Street property, because Jones attempted to appear and defend in the matter on behalf of the Jones Trust. Jones also received notice of the December 13, 2023 status conference on the receivership matter, which occurred just prior to the January 2024 order confirming

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the receivership sale. Jones again requested to appear at the December 2023 hearing remotely, and the trial court again denied his request. Moreover, as stated above, Jones, in his individual capacity, has not shown prejudice.

The remainder of Jones’s arguments appear to relate either to the imposition of the receivership itself, or to the trial court’s authority to order confirmation of the receivership sale. This court has already determined in the appeal numbered C-190592 that the trial court has jurisdiction to impose a receivership with respect to the Fuller Street property, despite the terms of the parties’ antenuptial agreement. As to Jones’s arguments attacking the procedural events culminating with the order confirming the receivership sale and entering the default judgment against the Jones Trust, Jones lacks standing to make arguments on behalf of the Jones Trust, which is not a party to this appeal. *See Bank of New York*, 2009-Ohio-6117, at ¶ 10 (5th Dist.); *see also* App.R. 3(D).

We overrule Jones’s assignments of error and affirm the judgment of the trial court.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

BERGERON, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on 11/6/2024 per order of the court.

By: _____
Administrative Judge