

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

FAST PROPERTY SOLUTIONS, INC.,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	CASE NO. 2010-L-024
- vs -	:	
ALEXANDER JURCZENKO,	:	
Defendant,	:	
MARJORIE JURCZENKO,	:	
Defendant-Appellant.	:	

Civil appeal from the Court of Common Pleas, Case No. 09 CV 000363.

Judgment: Appeal dismissed.

Joseph R. Klammer, Lindsay II Professional Center, 6900 Lindsay Drive, Suite 7, Mentor, OH 44060 (For Plaintiff-Appellee).

James R. Douglass, 20521 Chagrin Boulevard, Ste. D., Shaker Heights, OH 44122-9736 (For Defendant-Appellant).

MARY JANE TRAPP, P.J.,

{¶1} Appellee, Fast Property Solutions, Inc., has moved this court to dismiss the instant appeal on the grounds that the merits of the trial court's final judgment have now become moot. In support of its motion, Fast Property Solutions asserts that this matter should not go forward because appellant, Marjorie Jurczenko, has vacated the premises which were the subject of the underlying forcible entry and detainer action. No response to the motion to dismiss has been filed in behalf of Ms. Jurczenko.

{¶2} The instant appeal was taken from the final judgment rendered by the trial court on February 16, 2010. In that judgment, the court addressed a substantial number of issues, including the extent of its jurisdiction over the case, the validity of two prior settlement agreements, and the proper interpretation of the parties' lease/purchase agreement. However, at the conclusion of the judgment, the trial court only granted one form of affirmative relief; i.e., it ordered the issuance of a writ of restitution in regard to the subject residence.

{¶3} Under Ohio law, the sole purpose of a forcible entry and detainer action is to determine a party's right to have immediate possession of the disputed property. See, e.g., *Showe Management Corp. v. Moore*, 5th Dist. No. 08 CA 10, 2009-Ohio-2312, at ¶36. Accordingly, once the tenant has vacated the premises and the landlord has again taken possession, the merits of such action are rendered moot because no further type of relief can be granted in favor of the landlord. *Id.*

{¶4} In the instant case, Ms. Jurczenko has not disputed the assertion of Fast Property Solutions that she and her family have vacated the residence in question, thereby allowing the company to take possession. Under such circumstances, there is no reason for this court to review the merits of the trial court's various rulings because the final judgment has been fully executed.

{¶5} Thus, since the merits of this appeal have become moot, the motion to dismiss of appellee, Fast Property Solutions, Inc., is granted. It is the order of this court that the instant appeal is hereby dismissed.

CYNTHIA WESTCOTT RICE, J.,
TIMOTHY P. CANNON, J., concur.