

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

PHILIP G. KING,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2011-G-3006</b>
JENNIFER L. KING,	:	
Defendant-Appellant.	:	

Civil Appeal from the Court of Common Pleas, Case No. 07 DC 000470.

Judgment: Appeal dismissed.

*Russell R. Kubyn*, The Kubyn Law Firm, 8373 Mentor Avenue, Mentor, OH 44060 (For Plaintiff-Appellee).

*Jennifer L. King*, pro se, 416 Downing Drive, Chardon, OH 44024 (Defendant-Appellant).

THOMAS R. WRIGHT, J.

{¶1} On February 10, 2011, appellant, Jennifer L. King, filed a notice of appeal from a January 13, 2011 entry of the Geauga County Court of Common Pleas. In that entry, the court found appellant in contempt for failing to pay appellee, Philip G. King, \$192.06; failing to deliver a shovel and flat screen television to appellee's attorney's office; failing to pay \$340 children's counseling bill; failing to bring and keep the home equity loan current; and failing to list the Downing Drive property for sale. Based upon this finding, the trial court sentenced appellant to serve thirty days in the Geauga

County Safety Center and pay a \$250 fine. The court stayed execution on the sentence on the condition that appellant purges her contempt.

{¶2} Under the case law of this state, when a trial court makes a finding of contempt and imposes a penalty or sanction, but allows an opportunity to purge, the order is not final and appealable. In *Estate of Sheehan*, 11th Dist. No. 2007-G-2774, 2007-Ohio-2571, at ¶4. See, also, *Chain Bike Corp. v. Spoke 'N Wheel, Inc.* (1979), 64 Ohio App.2d 62; *Nelson v. Nelson*, 11th Dist. No. 2006-G-2696, 2006-Ohio-4944.

{¶3} In this case, although the appealed judgment made a specific finding of contempt and imposed a penalty, the trial court offered appellant an opportunity to purge the contempt. Furthermore, the appealed entry contains a reference to a future hearing before appellant will be required to serve the sentence if the contempt is not purged. Therefore, it is evident that the trial court intends to conduct further proceedings before appellant is required to serve the sentence. Until a second order is entered by the trial court imposing sentence without an opportunity to purge, the issue of contempt is not ripe for review. *Welch v. Welch*, 11th Dist. No. 2004-L-178, 2005-Ohio-560, at ¶5. See *Sheehan*, supra, at ¶6.

{¶4} Based upon the foregoing, this appeal is hereby dismissed, sua sponte, for lack of a final appealable order.

{¶5} Appeal dismissed.

TIMOHTY P. CANNON, P.J.,

MARY JANE TRAPP, J.,

concur.