

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Willow Bend Apartments v. Koster

2026-Ohio-2417 · No. 25AP-831 · Decided June 25, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio dismissed Warren Koster’s appeal from a forcible entry and detainer judgment as moot. The court held that Koster’s vacating the premises and restoration of possession to Willow Bend Apartments eliminated any remaining controversy concerning immediate possession.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Dorrian, J.; Jamison, J.; Dingus, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	June 25, 2026
DOCKET	25AP-831
DISPOSITION	dismissed
PROCEDURAL POSTURE	Koster appealed a Franklin County Municipal Court judgment issuing a writ of restitution in a forcible entry and detainer action. Willow Bend moved to dismiss the appeal as moot after Koster vacated the premises and possession was restored to Willow Bend.
STANDARD OF REVIEW	Whether an appeal is moot is determined based on whether a live controversy and meaningful relief remain; the court considered evidence outside the record and judicially noticed docket facts to resolve mootness.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Warren Koster v. Willow Bend Apartments

TOPICS

- eviction
- mootness
- appellate procedure
- appellate jurisdiction
- landlord tenant

PRACTICE AREAS

- landlord-tenant law
- appellate procedure
- mootness
- forcible entry and detainer

QUESTIONS PRESENTED

1. Whether Koster's appeal from the judgment granting restitution in the forcible entry and detainer action became moot after he vacated the premises and possession was restored to Willow Bend.

HOLDINGS

1. When a tenant vacates the leased property and possession is restored to the landlord, an appeal concerning restitution of the property is moot because no further relief can be granted regarding immediate possession.
2. In determining whether an appeal has become moot, an appellate court may consider evidence outside the record and may take judicial notice of facts capable of accurate and ready determination from reliable sources.

KEY QUOTATIONS

“When a tenant vacates a leased property during a forcible entry and detainer action, the issue of restitution of the property becomes moot because the purpose of a judgment in such an action is to determine the right to immediate possession.” (¶ 9)

“If immediate possession is no longer at issue because the defendant vacates the premises and possession is restored to the plaintiff, then continuation of the forcible entry and detainer action or an appeal of such an action is unnecessary, as there is no further relief that may be granted.” (¶ 9)

FACTUAL BACKGROUND

Koster leased an apartment from Willow Bend and was required to submit income-recertification paperwork. Willow Bend alleged that Koster failed to comply, defaulting under the lease, and obtained a judgment for restitution of the premises. During the appeal, Koster was removed from the property, possession was restored to Willow Bend, and Koster stated that he no longer resided there.

PROCEDURAL HISTORY

Willow Bend filed a forcible entry and detainer complaint alleging that Koster defaulted on lease income-recertification requirements. After an eviction hearing, the magistrate awarded restitution of the premises, and the municipal court adopted the decision. The trial court issued a writ of restitution, and while the appeal was pending Koster was removed from the premises, acknowledged that he no longer resided there, and obtained disbursement of a bond. The appellate court granted Willow Bend's motion to dismiss and dismissed the appeal as moot.

DISPOSITION

dismissed

CASES CITED

- Dixon v. Anderson, 2018-Ohio-2312, ¶ 5 (1st Dist.)

- Schwab v. Lattimore, 2006-Ohio-1372, ¶ 11 (1st Dist.)
- Allison v. Braunlin, 113 Ohio App. 511, 512 (10th Dist. 1961)
- Crossings Dev. Ltd. Partnership v. H.O.T., Inc., 96 Ohio App.3d 475, 480 (9th Dist. 1994)
- Rithy Properties, Inc. v. Cheeseman, 2016-Ohio-1602, ¶ 15 (10th Dist.)
- Darr v. Livingston, 2017-Ohio-841, ¶ 16 (10th Dist.)
- Mountaineer Invests., LLC v. Performance Home Buyers, LLC, 2011-Ohio-3614, ¶ 11 (2d Dist.)
- Ussher v. Ussher, 2011-Ohio-1440, ¶ 6 n.3 (2d Dist.)

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