

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



---

### ATTORNEY FOR APPELLANT

Kevin E. Werner  
Crown Point, Indiana

### ATTORNEYS FOR APPELLEE

ANDERSON, AGOSTINO &  
KELLER, P.C.  
Scott M. Keller  
Michael P. Misch  
Anderson, Agostino & Keller, P.C.  
South Bend, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

SMHR Holding Company, LLC,  
*Appellant-Plaintiff,*

v.

Firoz Vohra, Anderson,  
Agostino & Keller, P.C., and 49  
Gas Enterprises, Inc.,  
*Appellees-Defendants.*

February 25, 2021

Court of Appeals Case No.  
20A-MF-1342

Appeal from the  
Lake Superior Court

The Honorable  
Bruce D. Parent, Judge

Trial Court Cause No.  
45D11-1805-MF-99

**Kirsch, Judge.**

- [1] SMHR Holding Company, LLC (“SMHR”) appeals the trial court’s order approving the sale by a receiver of property owned by SMHR (“the Property”).

In this interlocutory appeal, SMHR raises several issues for our review regarding the trial court's order. However, after this interlocutory appeal was filed with our court, a stay was never granted to pause the trial court proceedings. Therefore, subsequently, on October 29, 2020, Anderson, Agostino & Keller, P.C. ("AAK") filed a motion for summary judgment, seeking to foreclose their lien against the Property and to obtain an order for the Property to be sold at a sheriff's sale. On November 24, 2020, the trial court granted an order to eject SMHR from the Property, and on December 18, 2020, the trial court issued an order granting summary judgment to AAK, ordering that AAK's lien was valid and enforceable, foreclosing AAK's lien against the Property, and ordering the Property sold at a sheriff's sale. Accordingly, we do not reach the merits of SMHR's appeal because we conclude that the appeal is moot. An issue is moot when "the principal questions in issue have ceased to be matters of real controversy between the parties." *Knapp v. Estate of Wright*, 76 N.E.3d 900, 908 n.5 (Ind. Ct. App. 2017) (citing *Rainbow Cmty., Inc. v. Town of Burns Harbor*, 880 N.E.2d 1254, 1260-61 (Ind. Ct. App. 2008)), *trans. denied*. Here, because the trial court has subsequently ordered the Property to be sold at a sheriff's sale, the appeal should be dismissed as moot.

[2] Dismissed.

Bradford, C.J., concurs.

May, J., concurs in result without opinion.