2026 IL App (1st) 252308 - U
No. 1- 25 - 2308
Order filed November 25, 2025

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

FIFTH DIVISION

SENOLA MCKINNEY, Plaintiff-Appellee,

v.

ROBERT KIMP, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Pablo F. deCastro , Judge, Presiding.
No. 25 M1 702579

JUSTICE C.A. Walker delivered the judgment of the court.
Justices Wilson and Donnelly concurred in the judgment.

ORDER

Held: Execution of the eviction judgment renders defendant-appellant's challenge to the possession order moot. We affirm the judgment on the remaining claims because defendant-appellant failed to present a sufficiently complete record for review.

¶ 1 Defendant-Appellant Robert Kimp appeals from the circuit court's grant of plaintiff-appellee Senola McKinney's eviction action against him following a bench trial. The record indicates the Cook County Sheriff has already enforced the eviction order, and the matter is moot as it relates to possession of the property. Therefore, we dismiss that aspect of the appeal because this court lacks jurisdiction to review it. Kimp also raises title issues arising from his submission

of a quitclaim deed at trial, but because he failed to supply a sufficient record for this court to consider, we affirm the circuit court's judgment as to those issues.

¶ 2 I. BACKGROUND

¶ 3 McKinney filed her Complaint for Possession on February 13, 2025. Therein, she alleged that Kimp unlawfully held possession of property on the 1100 block of West 103rd Street in Chicago. She further alleged that Kimp had agreed to purchase the property from her at some point, at which time she "provided" him with "possession" of the premises. Kimp then "failed to consummate the purchase of the subject property," necessitating the present action. McKinney attached to the complaint a dismissal order from a previous complaint she filed against Kimp in case No. 24 M1 714138, which indicated McKinney had dismissed that complaint voluntarily before filing the current one.

¶ 4 On June 10, 2025, Kimp moved to dismiss, arguing he never agreed to purchase the property at issue from McKinney, and:

> "In the previous case *** testimony was made under oath by [McKinney] that Mr. Kimp was invited into the premises by her and handed a key to the premises with the promise made by Mr. Kimp to rehabilitate the interior of the structure and to clean up and restore the surrounding property. In exchange, [McKinney] agreed of her own volition to sign a quitclaim deed to the property to Mr. Kimp, which has since been recorded and certified."

Kimp also moved to quash service.

¶ 5 McKinney responded, arguing that she voluntarily dismissed the first complaint because she had served "the wrong eviction notice," and substantively, "both parties acknowledge there was a verbal agreement to purchase and sell the subject property. There is no lease." McKinney further argued that the consideration for the agreement was Kimp's promise to resolve the water-

bill payment and administrative-code issues, a promise she alleged he failed to keep. She summarized, "Due to [Kimp] not fulfilling his end of the bargain to acquire subject property, [McKinney] rightfully made her demand for possession."

¶ 6 On July 8, 2025, the circuit court entered an order setting the matter for trial on August 19, 2025. The order is silent as to Kimp's motions. In an order from August 19, 2025, the court continued the matter for "ruling after trial." On August 29, 2025, the circuit court entered an eviction order against Kimp. In a "trial order" from that same day, the court wrote, "This case proceeded to bench trial heard on July 7, 2025, and August 19, 2025. The court entered its findings on the record on August 28, 2025." It then listed exhibits which were entered at trial. The exhibits are included in the record on appeal and include water bills and code violation documents from the City of Chicago, and the alleged quitclaim deed from McKinney to Kimp. The record on appeal does not contain a report of proceedings or bystander's report from the July 7 or August 19 trial dates, or the August 28 reading of the court's findings into the record.

¶ 7 On September 23, 2025, Kimp filed a "motion to vacate order and set aside judgment for possession," arguing that McKinney's contention that "there was a contract made between the parties and that [Kimp's] possession of the subject property was illegal" was erroneous. Instead, McKinney had "voluntarily, of her own accord, deeded the property" to Kimp. On November 4, 2025, the circuit court denied the motion. Kimp then filed his notice of appeal on November 7, 2025, and moved to stay eviction pending resolution of the appeal. The circuit court denied the motion to stay eviction on November 20, 2025, stating in its order, "the Cook County Sheriff [has] already enforced the eviction order in this case."

¶ 8 II. JURISDICTION

¶ 9 On appeal, Kimp raises five arguments: (1) the circuit court lacked jurisdiction because McKinney's complaint should have been recharacterized as a quiet title action, not an eviction action; (2) the court committed evidentiary errors at trial; (3) the court abused its discretion by denying his motions to dismiss and quash; (4) a due process violation; and (5) judicial bias. First, we note that this court took the case on Kimp's brief only. Unsurprisingly, Kimp did not challenge this court's jurisdiction in his brief, but we have an independent duty to consider our own jurisdiction. *National Collegiate Student Loan Trust 2007-4 v. Phelps*, 2025 IL App (1st) 231783, ¶ 18. Generally, the Illinois appellate court has jurisdiction to review only cases in which we can grant the requested relief and therefore lack jurisdiction over moot issues. *In re Lance H.*, 2014 IL 114899, ¶ 12. Where, as here, the sheriff has already enforced an eviction order, this court can no longer restore possession to Kimp, making his challenge to the possession ruling moot. See *2242 Archer Court, LLC v. Roberts*, 2023 IL App (1st) 221655-U, ¶¶ 14-15 (citing *Circle Management LLC v. Olivier*, 378 Ill. App. 3d 601, 607 (2007)) (finding the possession issue moot after the appellant moved out but applying the public-interest exception to reach the merits). Accordingly, we dismiss this aspect of Kimp's appeal for lack of jurisdiction.

¶ 10 III. ANALYSIS

¶ 11 After a bench trial concerning Kimp's remaining claims, the circuit court ruled and later stated in a written order that it had announced its findings in open court on August 28, 2025. The record on appeal contains no transcript or bystander's report of the trial or that proceeding. It is well-established that it is an appellant's burden to supply a sufficient record on appeal for review of his claims. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). If the appellant fails to supply such a record, the reviewing court must presume the lower court's findings were in accordance with the

law and had a sufficient factual basis. *Id.* at 392. Without a sufficient record, we cannot assess Kimp's challenges to the court's evidentiary rulings, its denial of his motions to dismiss or quash, or his claims of bias. We therefore presume the circuit court's rulings and findings were proper.

¶ 12 Finally, for the same reason, we cannot substantively review Kimp's argument that submitting the purported quitclaim deed deprived the circuit court of jurisdiction and that continuing the proceedings violated his due process rights. The record shows only that Kimp submitted a quitclaim deed as an exhibit at trial**.** It does not show how the court assessed the deed's validity or significance, what evidence at trial addressed title to the property, or why the court ruled for McKinney despite Kimp's submission of the deed. Moreover, Kimp provides no authority holding that the deed deprived the circuit court of subject matter jurisdiction or that the court violated his due process rights. Nor do his citations support his contention that the court was required to transfer the matter to chancery court upon submission of the deed. See *Rosewood Corp. v. Fisher*, 46 Ill. 2d 249, 258 (1970) **(**holding that the circuit court could consider contractual issues underlying a possession dispute, even though doing so "may interfere with the summary aspects of the remedy."**).** Given the inadequate record and lack of supporting authority, we cannot conclude that the court erred by proceeding as it did.

¶ 13 In reaching this conclusion, we acknowledge that a title dispute is not appropriate for resolution in an eviction action. See *Continental Illinois National Bank & Trust Co. of Chicago v. Wilson*, 103 Ill. App. 3d 357, 360 (1982). The record does not disclose whether Kimp's deed raised a title dispute or whether that issue could have affected the eviction proceeding. Those questions depend on the evidence presented and the circuit court's ruling. This is especially significant because title issues generally are not germane to the resolution of eviction actions. *Id.*

¶ 14 III. CONCLUSION

¶ 15 For the reasons stated, we dismiss Kimp's appeal insofar as it seeks reversal of the eviction order. We otherwise affirm the circuit court because we do not have a sufficient record from which to analyze the remainder of Kimp's claims.

¶ 16 Dismissed in part; Affirmed in part.