

NOTICE
Decision filed 05/22/15. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2015 IL App (5th) 140232-U

NO. 5-14-0232

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

RANDY L. WAGGONER and)	Appeal from the
SETH L. WAGGONER,)	Circuit Court of
)	Shelby County.
Plaintiffs-Appellees,)	
)	
v.)	No. 14-CH-13
)	
LINDA ELAINE DEBOLT and LARRY DEAN)	
SYFERT, Not Individually but as Co-Executors of)	
the Estate of Wanda Maurine Syfert, Deceased,)	Honorable
)	James L. Roberts,
Defendants-Appellants.)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court.
Justices Goldenhersh and Chapman concurred in the judgment.

ORDER

¶ 1 *Held:* Preliminary injunction expired by its own terms. Consequently, appeal is moot, and dismissed.

¶ 2 The defendants, Linda Debolt and Larry Syfert, as co-executors of the estate of Wanda Syfert, deceased, appeal the entry of a preliminary injunction ordering them to honor the terms of a crop share lease. We dismiss the appeal as it is now moot.

¶ 3 Randy and Seth Waggoner, plaintiffs-appellants, filed a complaint and motion for preliminary injunction requesting specific performance of a crop share lease dated

December 2, 2013. The crop share lease "length of tenure [*sic*]" ran from December 2, 2013, through December 2, 2024, and was executed by the decedent three months before her death in March of 2014. The lease, which does not contain a formal legal description of the real estate in question, was prepared by the plaintiffs without the assistance of an attorney and without any input from the decedent. The defendants refused to honor the lease because it did not contain a conventional legal description of the real estate. The plaintiffs admitted that the lease did not contain a metes and bounds description of the property, or even an address, location, city, county or state in which the farm ground was situated, but counter that the decedent had only one farm property and that the plaintiffs had been farming that same property for the past five years.

¶ 4 On April 28, 2014, the circuit court of Shelby County entered a preliminary injunction in favor of the plaintiffs and ordered the defendants to honor the crop share lease and allow the plaintiffs to farm the same property that they had previously worked for the 2014 crop year. The defendants filed a timely motion to reconsider, or in the alternative, to dissolve the preliminary injunction. The trial court denied the defendants' motion. The defendants then brought this interlocutory appeal pursuant to Illinois Supreme Court Rule 307(a)(1) (eff. Feb. 26, 2010). They contend the trial court erred in granting the plaintiffs' request for a preliminary injunction and in ordering the defendants to honor the lease, which failed to formally identify the property in question. They argue the trial court's injunction should be dissolved.

¶ 5 The court made no finding as to whether the plaintiffs had shown a likelihood of success on the ultimate merits with regard to enforcement as to the totality of the lease.

For the purpose of the court's injunction and ruling, the court addressed only the 2014 crop year and nothing more. In other words, the court was preserving the status quo until there could be a hearing on the merits. Consequently, the preliminary injunction covered only the 2014 crop year. That crop year is now over, and the injunction, by its own terms, has ended. Therefore, there is nothing left for this court to review. A case on appeal becomes moot where the issues presented below no longer exist because events subsequent to the filing of the appeal render it impossible for the reviewing court to grant the complaining party effective relief. This court will not review cases merely to establish a precedent or guide future litigation. See *Davis v. City of Country Club Hills*, 2013 IL App (1st) 123634, ¶ 10, 997 N.E.2d 943. See also *Hanna v. City of Chicago*, 382 Ill. App. 3d 672, 676-77, 887 N.E.2d 856, 861 (2008) (when issues have ceased to exist, cause of action should be dismissed; reviewing courts are not to render advisory opinions even if to offer future guidance in similar situations). We acknowledge that the validity of the lease as a whole is yet to be resolved, but, again, that issue is not presently before this court. Given that the preliminary injunction has expired by its own terms, we have no choice but to dismiss this appeal as moot.

¶ 6 The defendants contend that the issue of damages associated with the *wrongful* issuance of the preliminary injunction was still properly preserved by virtue of their filing a motion to dissolve the preliminary injunction in the trial court. Assuming the defendants' contention has not been forfeited on appeal, the issue having been omitted from their brief and raised for the first time at oral argument (see *Pedersen v. Village of Hoffman Estates*, 2014 IL App (1st) 123402, ¶ 44, 8 N.E.3d 1085), we conclude that the

preliminary injunction was properly entered and there were no damages. Again, the trial court was preserving the status quo until a hearing on the merits could be had.

¶ 7 For the aforementioned reasons, we dismiss this appeal as moot.

¶ 8 The plaintiffs' motion to dismiss for lack of jurisdiction taken with the case is also dismissed. The court's order entering the preliminary injunction was sufficient to confer jurisdiction upon this court.

¶ 9 Dismissed.