

RENDERED: JANUARY 6, 2006, 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth Of Kentucky**

**Court of Appeals**

NO. 2005-CA-000247-MR

MARILYN W. CRAWFORD

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT  
HONORABLE JAMES M. SHAKE, JUDGE  
ACTION NO. 02-CI-000414

NATIONAL CITY BANK OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: BARBER, MINTON, AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Marilyn W. Crawford brings this *pro se* appeal from a January 28, 2005, opinion and order of the Jefferson Circuit Court awarding National City Bank of Kentucky (National City) possession of property located at 1305 Fairland Place, Louisville, Kentucky, and compelling the eviction of Crawford and other occupants from the property. We affirm.

The facts of this case are rather straight forward. Initially, National City filed a foreclosure action against

Crawford in the Jefferson Circuit Court in 2002. On June 20, 2002, the circuit court entered a judgment and order of sale of the property. The sale was conducted on September 10, 2002, and National City was the successful bidder for the property at the sale.

On December 3, 2002, the court entered an order confirming the sale. On December 26, 2002, Crawford filed Appeal No. 2003-CA-000011-MR from the December order confirming sale. By opinion entered November 21, 2003, the Court of Appeals dismissed Crawford's appeal as being untimely, since the crux of the appeal was a challenge to the judgment and order of sale entered on June 20, 2002. Thereafter, National City filed a motion for possession of property and eviction of Crawford. Eventually the motion was granted by opinion and order entered January 28, 2005, thus precipitating this appeal.

We initially observe that Crawford is proceeding *pro se*. Crawford specifically set forth the following arguments in her *pro se* brief:

I The Law states that in order to come into Court asking for help, the the [sic] person asking for help MUST have clean hands.

II Section 362 of the Chapter 13 U.S. Federal Bankruptcy Code "Operates to Stay automatically any act or proceeding to recover on a claim against the debtor or to enforce a lien against property of the [sic] or property of the estate."

III The Appellee wrongly stated in his counter-prehearing statement that "This Court has already affirmed a Judgment and Order of Sale in favor of Appellee."

IV The Trial Judge has demonstrated his unfairness and prejudice toward the Appellant by refusing to address the issue of the filing and dismissal of the first lawsuit by the Appellee.

V The Trial Judge Confirmed the Sale over Appellant's Objections and proof of the Appellee's wrongdoings.

VI The Trial Judge ERRED when he granted the Appellee's Motion for Possession of Property and Eviction of Occupants over the Objections of the Appellant.

VIII Judge James Shake permitted the Appellee to get away with the Perjury and fraud, which was prejudicial and detrimental to the Appellant.

Upon reviewing the substance of these arguments, Crawford appears to be rearguing the validity of the June 2002 judgment and order of sale and the December 2002 order confirming sale. The issues concerning the validity of the order of sale or the order confirming sale should have been raised in Crawford's previous appeal (Appeal No. 2003-CA-000011-MR). As a result of the opinion and order entered by this Court in the earlier appeal, we are precluded by the law of the case doctrine from reviewing these issues in this subsequent appeal. See Grazini v. Ambrose, 201 Ky. 466, 257 S.W. 21 (1923).

The only proper issue before this Court is the validity of the January 2005 order of eviction. Kentucky Revised Statutes 426.260 states that a purchaser at a commissioner's sale is entitled to possession of the property upon ten (10) days notice. In the order, the circuit court gave Crawford ten (10) days from entry of the order before the eviction was to take place. The appellant cites no valid legal authority to this Court to support her position that the order of eviction was entered in error. Additionally, upon review of the record, we can find no evidence that the January 2005 order of eviction was not properly granted by the circuit court.

For the foregoing reasons, the order of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

BRIEFS FOR APPELLANT:

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BRIEF FOR APPELLEE:

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