

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, STARK
COUNTY

Franks v. Thomas

2025-Ohio-5314 · No. 2025CA00016 · Decided November 24, 2025

SUMMARY

The Ohio Fifth District Court of Appeals affirmed a Canton Municipal Court judgment awarding a landlord \$4,051 in damages against a tenant. The court rejected the tenant’s notice argument and affirmed the judgment on the remaining assignments of error because the appellant failed to provide necessary hearing transcripts and her brief did not fully comply with appellate briefing rules.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Stark County
WRITING FOR THE COURT	William B. Hoffman, P.J.; Robert G. Montgomery, J.; Kevin W. Popham, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Stark County
DECIDED	November 24, 2025
DOCKET	2025CA00016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Vera Thomas appealed the Canton Municipal Court's judgment overruling her objections to a magistrate's report awarding Harold Franks \$4,051.00, plus interest and costs, in connection with a landlord-tenant dispute. The Court of Appeals reviewed the appeal despite deficiencies in Thomas's brief and affirmed.
STANDARD OF REVIEW	The appellate court presumed the regularity and validity of the trial court proceedings when the appellant failed to provide transcripts necessary to resolve her assignments of error. Brief-compliance issues were reviewed notwithstanding the deficiencies in the interest of justice and finality.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Vera Thomas v. Harold Franks

TOPICS

appellate procedure

preservation of error

landlord tenant

damages

civil procedure

PRACTICE AREAS

Civil procedure

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Remedies

QUESTIONS PRESENTED

1. Whether the trial court entered the monetary judgment without providing Thomas proper notice under Ohio Civ.R. 53(D)(3)(b).
2. Whether the trial court erred by failing to recognize allegedly retaliatory conduct under Ohio Rev. Code 5321.02(A)(1).
3. Whether the \$4,051.00 damages award lacked itemized evidence of damages beyond normal wear and tear under Ohio Rev. Code 5321.12.
4. Whether the trial court ignored an alleged breach of the landlord's habitability obligations under Ohio Rev. Code 5321.04.

HOLDINGS

1. The alleged lack of notice was attributable to Thomas rather than the court or clerk because she was instructed to maintain a current address, failed to do so, and had evidence indicating notice of the proceedings. Her first assignment of error was overruled.
2. When an appellant omits transcripts necessary to resolve assigned errors, the appellate court must presume the validity and regularity of the lower court proceedings and affirm.
3. Thomas's brief failed to comply with Ohio App.R. 16(A)(3), (4), (5), and (6), but the court exercised discretion to review the appeal in the interests of justice and finality.

KEY QUOTATIONS

“When portions of the transcript necessary for resolution of the assigned error(s) are omitted from the record, the court has no choice but to presume the validity of the lower court's proceedings, and to affirm.” (¶ 21)

“It is not the function of this court to construct a foundation for [an appellant's] claims; failure to comply with the rules governing practice in the appellate court is a tactic which is ordinarily fatal.” (¶ 11)

FACTUAL BACKGROUND

Harold Franks owned rental property in Canton that Vera Thomas and her son rented. After serving a notice to leave premises, Franks sued for forcible entry and detainer, unpaid rent, and other damages. Notices sent to the rental property were returned as undeliverable after the property became vacant, while a summons and amended complaint were delivered by FedEx to an updated address supplied by Franks. Thomas and the other defendants failed to appear at the damages hearing, and the magistrate recommended an award of \$4,051.00.

PROCEDURAL HISTORY

Franks filed a Canton Municipal Court action for forcible entry and detainer, unpaid rent, and money damages against Thomas, Miles Clark, and all occupants of the rental property. After a magistrate recommended judgment on the damages claim, the defendants failed to appear at the continued damages hearing and Thomas later objected. The trial court overruled her objection and entered judgment for Franks. The Fifth District affirmed, holding that the notice complaint was attributable to Thomas's failure to maintain a current address and that the absent hearing transcripts required presumptive affirmance.

DISPOSITION

affirmed

CASES CITED

- Zanesville v. Robinson, 2010-Ohio-4843, ¶ 26 (5th Dist.)
- Musleve v. Musleve, 2008-Ohio-3961, ¶ 21 (5th Dist.)
- State v. Darby, 2019-Ohio-2186, ¶¶ 21-24 (5th Dist.)
- Platinum Restoration Contrs., Inc. v. Salti, 2023-Ohio-4426, ¶ 12 (8th Dist.)
- State Farm Mut. Auto. Ins. Co. v. Peller, 63 Ohio App. 3d 357, 360 (8th Dist. 1989)
- Knapp v. Edwards Labs., 61 Ohio St. 2d 197, 199 (1980)

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