

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT

Frank v. Allen

2026-Ohio-1922 · No. 2025-T-0074 · Decided May 26, 2026

SUMMARY

The Eleventh District Court of Appeals of Ohio sua sponte dismissed Michelle Allen's appeal for lack of jurisdiction. The court held that the trial court's judgment determining Allen was not the decedent's child was not a final appealable order because the trial court had not yet determined the inheritance rights of all parties in the heirship proceeding. The court concluded that Allen could appeal after a final order resolved all parties' rights.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District
WRITING FOR THE COURT	John J. Eklund; Matt Lynch; Robert J. Patton
JURISDICTION	Court of Appeals of Ohio, Eleventh Appellate District, Trumbull County
DECIDED	May 26, 2026
DOCKET	2025-T-0074
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from a probate-court judgment granting Appellee's motion for summary judgment and denying Appellant's cross-motion for summary judgment in an action to determine heirship. The appellate court sua sponte dismissed the appeal for lack of a final, appealable order.
STANDARD OF REVIEW	The appellate court independently determines whether the challenged order is final and appealable because finality is a prerequisite to appellate jurisdiction.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Michelle Allen, individually and as fiduciary of the estate of Richard Panchik v. Diane Frank

TOPICS

- appellate jurisdiction
- probate procedure
- ancillary probate
- final judgment rule
- summary judgment

PRACTICE AREAS

Probate

Appellate jurisdiction

Civil procedure

QUESTIONS PRESENTED

1. Whether the probate court's judgment in a statutory proceeding to determine heirship was a final, appealable order under Ohio Revised Code section 2505.02(B)(2).
2. Whether the appellate court had jurisdiction to review the judgment when the probate court had not determined the inheritance rights of all parties.

HOLDINGS

1. A judgment in a special statutory proceeding to determine heirship is not a final, appealable order when it resolves only one party's inheritance rights and leaves the rights of the remaining parties for a later hearing.
2. The court lacked appellate jurisdiction because the appealed judgment was not a final order, and the appeal was therefore dismissed sua sponte.

KEY QUOTATIONS

"An immediate appeal is not necessary to protect Appellant's rights; Appellant may appeal after the trial court issues a final order that determines/declares the rights of all parties." (§ 14)

"For the foregoing reasons, this appeal is dismissed sua sponte for lack of jurisdiction." (§ 16)

FACTUAL BACKGROUND

Richard Panchik died intestate, and Michelle Allen claimed to be his daughter and the sole beneficiary of his intestate estate. Diane Frank, the decedent's sister, alleged that Allen was neither the decedent's biological nor adopted child and sought a determination of heirship. The probate court ruled that Allen was not the decedent's child but reserved determination of the other heirs for a later hearing.

PROCEDURAL HISTORY

Diane Frank filed an amended complaint for determination of heirship under Ohio Revised Code Chapter 2123. The probate court ruled that Michelle Allen was not the decedent's child and therefore could not inherit, but stated that insufficient evidence existed to determine the heirs of the estate and set a further hearing. Allen appealed, and after briefing the Eleventh District dismissed the appeal because the trial court had not determined the rights of all parties.

DISPOSITION

dismissed

CASES CITED

- Gen. Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St. 3d 17 (1989)
- Bradford v. Micklethwait, 163 Ohio St. 301 (1955)
- Kane v. Kane, 146 Ohio St. 686, 690 (1946)
- Crown Servs., Inc. v. Miami Valley Paper Tube Co., 2020-Ohio-4409, ¶ 16
- Bell v. Mt. Sinai Med. Ctr., 67 Ohio St. 3d 60, 63 (1993)
- Wilhelm-Kissinger v. Kissinger, 2011-Ohio-2317, ¶ 7
- E.A.K.M. v. M.A.M., 2025-Ohio-2946, ¶ 18
- Eisen v. Carlisle & Jacquelin, 417 U.S. 156, 170 (1974)
- Walburn v. Dunlap, 2009-Ohio-1221
- Nungester v. Transcontinental Ins. Co., 2004-Ohio-3857, ¶ 11 (4th Dist.)
- GrafTech Internatl. Ltd. v. Pacific Emps. Ins. Co., 2016-Ohio-1377, ¶ 10 (8th Dist.)

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