

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

In re Estate of Jasionowski

2026-Ohio-2400 · No. 2025CA00165 · Decided June 24, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed the Stark County Probate Court’s judgment granting summary release from administration and denying the appellant’s Civ.R. 60(B) motion for relief. The court held that challenges to the original judgment were untimely and that the appellant failed to show a meritorious claim because the statutory conditions for summary release were satisfied even if he was the decedent’s adopted son.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Fifth Appellate District                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Robert G. Montgomery; Andrew J. King; William B. Hoffman                                                                                                                                                                                                        |
| JURISDICTION          | Ohio Court of Appeals, Fifth Appellate District, Stark County                                                                                                                                                                                                   |
| DECIDED               | June 24, 2026                                                                                                                                                                                                                                                   |
| DOCKET                | 2025CA00165                                                                                                                                                                                                                                                     |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Michael Jasionowski appealed judgments of the Stark County Court of Common Pleas, Probate Division, granting John Jasionowski's application for summary release from administration and denying Michael's renewed Civ.R. 60(B) motion for relief from judgment. |
| STANDARD OF REVIEW    | A Civ.R. 60(B) ruling is reviewed for abuse of discretion.                                                                                                                                                                                                      |
| PRECEDENTIAL VALUE    | Published Ohio Court of Appeals opinion                                                                                                                                                                                                                         |
| PARTIES               | Michael Jasionowski v. John Jasionowski                                                                                                                                                                                                                         |

TOPICS

- probate procedure
- estate administration
- appellate procedure
- final judgment rule
- civil procedure

PRACTICE AREAS

- Probate
- Civil procedure
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from the probate court's judgment granting summary release from administration was timely.
2. Whether the probate court abused its discretion by denying Michael's Civ.R. 60(B) motion without a hearing.
3. Whether Michael presented a meritorious claim or defense warranting relief under Civ.R. 60(B), including based on lack of notice, alleged inaccuracies in the will, and alleged issues concerning execution, capacity, authenticity, discovery, and an evidentiary hearing.
4. Whether the probate court was required to notify a potential heir of an application for summary release from administration.

## HOLDINGS

1. The challenges to the judgment granting summary release from administration were untimely because the notice of appeal was filed more than thirty days after that judgment.
2. A party seeking relief from judgment under Civ.R. 60(B) must show a meritorious claim or defense, entitlement to relief under Civ.R. 60(B)(1) through (5), and a timely motion.
3. Civ.R. 60(B) relief is unavailable when the motion merely repeats arguments concerning the merits that could have been raised in a timely direct appeal.
4. Michael did not present a meritorious claim warranting relief because, even assuming he was the decedent's adopted son and the will was inaccurate, John was entitled to summary release under R.C. 2113.031 after paying funeral expenses exceeding the estate's bank-account balance. The statute did not require the probate court to notify Michael of the application, even if he had previously been identified as the decedent's son.

## KEY QUOTATIONS

*"If any of these three requirements is not met, the motion should be overruled."* (§18)

*"Appellant's motion did not present a meritorious claim to the trial court's March 24, 2025, judgment, because even if he was the decedent's adopted son and the will was therefore inaccurate, Appellee would still have been entitled to summary release from administration pursuant to R.C. 2113.031."* (§24)

## FACTUAL BACKGROUND

James Jasionowski died on December 13, 2024, leaving a checking account containing \$522.86. His brother, John Jasionowski, applied for summary release from administration and submitted a funeral-home invoice showing that he had paid \$3,104.53 in funeral expenses. John also filed a will stating that the decedent was unmarried and had no children, while Michael later asserted that he and John had been adopted by the decedent. The probate court granted summary release and ordered the account paid to John, concluding that the statutory conditions were satisfied.

## PROCEDURAL HISTORY

The probate court granted the application for summary release from administration and ordered the decedent's bank-account balance paid to John Jasionowski, who had paid the funeral expenses. Michael later moved to vacate, arguing lack of notice, inaccuracies in the will, and issues concerning execution, capacity, authenticity, and discovery. The probate court denied the motion because the will had not been admitted to probate and Michael lacked a meritorious claim; it also denied a renewed Civ.R. 60(B) motion. The court of appeals dismissed the challenges to the original judgment as untimely and affirmed the denial of Civ.R. 60(B) relief.

#### DISPOSITION

affirmed

#### CASES CITED

- Griffey v. Rajan, 33 Ohio St.3d 75, 77 (1987)
- GTE Automatic Electric, Inc. v. ARC Industries, Inc., 47 Ohio St.2d 146, 150 (1976)
- Rose Chevrolet v. Adams, 36 Ohio St.3d 17, 20 (1988)
- Beyoglides v. Elmore, 2012-Ohio-3979, ¶ 17 (2d Dist.)
- Key v. Mitchell, 1998-Ohio-643