

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Tonti Homes Corp. v. Siculan

2026-Ohio-1983 · No. 25AP-510 · Decided May 28, 2026

SUMMARY

The Ohio Tenth District Court of Appeals held that Tonti Homes’s complaint sufficiently alleged the formation of a trust despite referring to it as a “blind trust.” The court reversed the trial court’s dismissal under Civ.R. 12(B)(6) and remanded, while declining to address the denial of leave to amend because that assignment of error was moot.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Boggs, P.J.; Dorrian, J.; Mentel, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	May 28, 2026
DOCKET	25AP-510
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed the trial court's order granting in part defendants' Civ.R. 12(B)(6) motions to dismiss claims based on an alleged blind trust and denying in part leave to amend the complaint.
STANDARD OF REVIEW	De novo review applies to a Civ.R. 12(B)(6) dismissal. The complaint must be construed in the plaintiff's favor, its factual allegations presumed true, and reasonable inferences drawn in the plaintiff's favor.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Tonti Homes Corporation v. Tom Siculan, Valmer Land Title Agency, Nancy Delgado, William Perez Bernal, Jessica Perez Manrique

TOPICS

- motions to dismiss
- pleadings
- trusts
- real estate
- appellate procedure

PRACTICE AREAS

- Civil procedure
- Trusts and fiduciary relationships
- Real estate

QUESTIONS PRESENTED

1. Whether the complaint, construed in Tonti Homes's favor, alleged sufficient facts to state claims based on the formation of a trust despite labeling the arrangement a blind trust.
2. Whether the trial court erred by denying Tonti Homes leave to amend its complaint.

HOLDINGS

1. A complaint need not use a legally recognized label such as "blind trust" to survive a motion to dismiss when its factual allegations, construed in the plaintiff's favor, allege circumstances that could establish a trust and entitle the plaintiff to relief.
2. The court declined to decide the challenge to denial of leave to amend because its reversal of the dismissal rendered that assignment of error moot.

KEY QUOTATIONS

“ “[A]s long as there is a set of facts, consistent with the plaintiff’s complaint, which would allow the plaintiff to recover, the court may not grant a defendant’s motion to dismiss.” ” (¶ 14)

“ “[W]hile its elements have been variously stated to constitute an express trust there must be an explicit declaration of trust, or circumstances which show beyond reasonable doubt that a trust was intended to be created, accompanied with an intention to create a trust, followed by an actual conveyance or transfer of lawful, definite property or estate or interest, made by a person capable of making a transfer thereof, for a definite term, vesting the legal title presently in a person capable of holding it, to hold as trustee for the benefit of a cestui que trust or purpose to which the trust fund is to be applied; or a retention of title by the owner under circumstances which clearly and unequivocally disclose an intent to hold for the use of another.” ” (¶ 16)

FACTUAL BACKGROUND

In 1991, Tonti Homes purchased six real estate lots and deeded two lots to Tom Siculan as trustee of a purported blind trust. Tonti Homes alleged that Siculan later acknowledged he did not own the lots and was holding them in trust pending annexation proceedings. In 2019, the two lots were transferred by deed to other purchasers. Tonti Homes asserted claims including breach of fiduciary duty, conversion, fraud, negligence, promissory estoppel, unjust enrichment, declaratory relief, cancellation of instruments, and specific performance.

PROCEDURAL HISTORY

Tonti Homes filed claims arising from the transfer of two lots that it alleged had been deeded to Siculan as trustee. The Franklin County Court of Common Pleas dismissed claims based on the alleged blind trust and denied leave to amend some allegations, while permitting amendment of the conversion claim. An earlier appeal was dismissed for lack of a final, appealable order because the conversion claim against Siculan remained. After other claims and parties were dismissed or settled, Tonti Homes voluntarily dismissed the remaining conversion claim without prejudice and again appealed the February 14, 2022 order. The appellate court sustained the first assignment of error, found the second moot, reversed, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Franklin County Court of Common Pleas for proceedings consistent with the appellate decision.

CASES CITED

- Tonti Homes Corp. v. Siculan, 2022-Ohio-3067, ¶ 8 (10th Dist.)
- O'Brien v. Univ. Community Tenants Union, Inc., 42 Ohio St. 2d 242, 245 (1975)
- Mitchell v. Lawson Milk Co., 40 Ohio St. 3d 190, 192 (1988)
- Clark v. Grange Ins., 2025-Ohio-3243, ¶ 7 (10th Dist.)
- Foreman v. Ohio Dept. of Rehab. & Corr., 2014-Ohio-2793, ¶ 9 (10th Dist.)
- Ohio Neighborhood Preservation Assn. v. Alaura, 2023-Ohio-1281, ¶ 10 (10th Dist.)
- Boyland v. Giant Eagle, 2017-Ohio-7335, ¶ 16 (10th Dist.)
- Ford v. Brooks, 2012-Ohio-943, ¶ 13 (10th Dist.)
- York v. Ohio State Hwy. Patrol, 60 Ohio St. 3d 143, 144-145 (1991)
- Alexander Local School Dist. Bd. of Edn. v. Albany, 2017-Ohio-8704, ¶ 51 (4th Dist.)
- Pack v. Osborn, 117 Ohio St. 3d 14, 16 (2008)
- In re Guardianship of Lombardo, 1999-Ohio-132, ¶ 14
- Ulmer v. Fulton, 129 Ohio St. 323, 339 (1935)

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