

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re Estate of Eileen R. Haxton

2026-Ohio-1909 · No. 2025CA0035-M · Decided May 26, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Medina County Probate Division’s judgment removing Kevin R. Haxton as ancillary administrator of the Estate of Eileen R. Haxton. The court held that Haxton forfeited his appellate challenges by failing to object to the magistrate’s decision under Ohio Civil Rule 53 and did not argue plain error. The underlying dispute involved ownership and valuation of real property, an alleged verbal loan and agreement to reconvey the property, and the statute of frauds.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Betty Sutton; Carr, P.J.; Hensal, J.
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	May 26, 2026
DOCKET	2025CA0035-M
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Medina County Court of Common Pleas, Probate Division, judgment immediately adopting a magistrate's decision that sustained exceptions to an amended estate inventory and removed Kevin R. Haxton as ancillary administrator.
STANDARD OF REVIEW	Appellate review was limited by forfeiture under Civ.R. 53(D)(3)(b) (iv); absent timely objections, the appellant could seek only plain-error review. The court declined to conduct a plain-error analysis because Kevin did not argue plain error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable scope of Ohio appellate authority.
PARTIES	Kevin R. Haxton, ancillary administrator of the Estate of Eileen Haxton v. Shawn C. Haxton, Todd M. Haxton

TOPICS

ancillary probate

estate administration

appellate procedure

preservation of error

statute of frauds

PRACTICE AREAS

probate

appellate procedure

civil procedure

contracts

real estate

QUESTIONS PRESENTED

1. Whether Kevin preserved appellate challenges to the magistrate's factual findings and legal conclusions by failing to file objections after the trial court immediately adopted the magistrate's decision.
2. Whether the Court of Appeals should conduct plain-error review when the appellant failed to make a plain-error argument.
3. Whether the trial court's judgment concerning the statute of frauds, ownership and valuation of the Foundry Property, and removal of Kevin as ancillary administrator should be reversed.

HOLDINGS

1. A party who fails to timely and specifically object to a magistrate's decision forfeits the right to assign as error on appeal the trial court's adoption of the magistrate's factual findings and legal conclusions, except for plain error.
2. An appellate court will not sua sponte undertake a plain-error analysis when an appellant forfeits an issue but fails to argue plain error.

KEY QUOTATIONS

“Civ.R. 53(D)(4)(e)(i) allows the trial court to immediately adopt a magistrate’s decision, but such adoption does not absolve a party of his or her obligation to file objections to the magistrate’s decision.” (¶ 10)

“Therefore, by failing to file objections to the magistrate's decision pursuant to Civ.R. 53(D)(3)(b)(iv), Kevin has forfeited his arguments on appeal, except for a claim of plain error.” (¶ 14)

FACTUAL BACKGROUND

Eileen Haxton owned the Foundry Property in Medina County when she died in Florida on February 8, 2022. Her son Kevin claimed that Eileen had loaned him money secured by a quitclaim transfer of the property and that an oral agreement required her to deed the property back to him after repayment. Kevin, serving as ancillary administrator, initially omitted the property from the estate inventory, later listed it in an amended inventory, and faced exceptions from his brothers concerning the property's valuation and his administration of the estate.

PROCEDURAL HISTORY

Kevin Haxton, the ancillary administrator of Eileen Haxton's Ohio estate, initially omitted the Foundry Property from the estate inventory and later included it in an amended inventory. Shawn and Todd Haxton filed exceptions, and the magistrate found that the alleged oral agreement concerning the property was barred by the statute of frauds, that Eileen held sole title at death, and that Kevin had a conflict of interest warranting his removal as fiduciary. The trial court immediately adopted the magistrate's decision under Civ.R. 53(D)(4)(e)(i).

Kevin filed no objections and appealed; the Court of Appeals held that his assignments of error were forfeited, except for plain error, which he did not argue.

DISPOSITION

affirmed

CASES CITED

- Leffel v. Nassar, 2019-Ohio-5292 (9th Dist.)
- Progressive Macedonia LLC v. Shepherd, 2021-Ohio-792 (11th Dist.)
- State ex rel. Franks v. Ohio Adult Parole Authority, 2020-Ohio-711
- Trombley v. Trombley, 2018-Ohio-1880 (9th Dist.)
- Adams v. Adams, 2014-Ohio-1327 (9th Dist.)
- John Soliday Fin. Group, L.L.C. v. Robart, 2009-Ohio-2459 (9th Dist.)
- State v. White, 2008-Ohio-2432 (9th Dist.)
- Bass-Fineberg Leasing, Inc. v. Modern Auto Sales, Inc., 2015-Ohio-46