

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
TRUMBULL COUNTY, OHIO**

ESTATE OF	:	MEMORANDUM OPINION
DOROTHY C. BIDDLESTONE, DECEASED	:	CASE NO. 2010-T-0131

Civil Appeal from the Court of Common Pleas, Probate Division, Case No. 2008 EST 0931.

Judgment: Appeal dismissed.

Joyce E. Woods, pro se, 1260 Hallock-Young Road, Warren, OH 44481 (Appellant).

Louis J. Vennitti, 7067 East Market Street, P.O. Box 8722, Warren, OH 44484-8722 (For Appellee, Joan Kinkade, Executrix of the Estate of Dorothy C. Biddlestone, Deceased).

THOMAS R. WRIGHT, J.

{¶1} On December 21, 2010, appellant, Joyce E. Woods, filed a notice of appeal from a November 19, 2010 “Pre-trial Summary” issued by the Trumbull County Court of Common Pleas, Probate Division.

{¶2} This matter was initially filed with the probate court as an application to relieve the estate from administration. The Last Will and Testament of Dorothy C. Biddlestone was then located and an application to admit the will was filed on May 11, 2010. The will was admitted on June 16, 2010. An application for authority to administer the estate was filed on July 30, 2010, and a pretrial was scheduled for November 12, 2010. On November 19, 2010, the trial court issued a “Pre-trial

Summary” which encapsulates what occurred at the November 12 pretrial. Appellant filed an appeal from the “Pre-trial Summary” thirty one days later.

{¶3} According to Section 3(B)(2), Article IV of the Ohio Constitution, an appellate court can immediately review a judgment of a trial court only if it constitutes a “final order” in the action. *Germ v. Fuerst*, 11th Dist. No. 2003-L-116, 2003-Ohio-6241, ¶3. If a lower court’s order is not final, then an appellate court does not have jurisdiction to review the matter and the matter must be dismissed. *Gen. Acc. Ins. Co. v. Ins. of N. Am.* (1989), 44 Ohio St.3d 17, 20. For a judgment to be final and appealable, it must satisfy the requirements of R.C. 2505.02.

{¶4} The “Pre-trial Summary” that appellant is appealing from does not fit within any of the categories of R.C. 2505.02. In that document, the trial court merely summarized what occurred at the pretrial. Therefore, at this point, this is an interlocutory appeal and is not final pursuant to R.C. 2505.02. The trial court has not gone forward on the application for authority to administer the estate.

{¶5} Parenthetically, we note that even if the November 19, 2010 “Pre-trial Summary” that appellant appealed from was a final order, her appeal would be untimely pursuant to App.R. 4(A).

{¶6} Based upon the foregoing analysis, this appeal is hereby dismissed, sua sponte, for lack of a final appealable order.

{¶7} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.