

[Cite as *Donofrio v. Winebrenner*, 2003-Ohio-3317.]

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

JOHN A. DONOFRIO, TREASURER

Appellee

v.

RITA WINEBRENNER, et al.

Appellants

C .A. No. 21356

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. CV 2001-06-3042

DECISION AND JOURNAL ENTRY

Dated: June 25, 2003

This cause was heard upon the record in the trial court. Each error assigned has been reviewed and the following disposition is made:

WHITMORE, Judge.

{¶1} Appellant Susan Bridges has appealed from an order of the Summit County Court of Common Pleas dismissing her claims to quiet title, to establish a

lien, and for title by adverse possession to a parcel of real estate. This Court affirms.

{¶2} In her brief filed with this Court, Appellant has listed the following points as assignments of error:

“THEY HAVE FAILED TO NOTICE THIS PHYSICAL POSSESSION IS, OPEN AND NOTORIOUS, EXCLUSIVE AND CONTINUOUS FOR THE STATUTORY PERIOD.

“THEY HAVE NOT NOTICED THE SOLE TEST OF ADVERSE POSSESSION IS THE PHYSICAL CHARACTER OF THE POSSESSION.

“THE EVIDENCE OF POSSESSION WAS AND IS CLEAR AND POSITIVE PROOF, AND MUST BE STRICTLY CONSTRUED AGAINST THE CLAIMANT.

“A MEETING ON JULY 9. THAT I WAS GIVEN NO NOTICE OF AND DID NOT HAVE KNOWLEDGE.

“AGREEMENT THAT WAS MADE WITH A THIRD PARTY.

“THE TRIAL BRIEF THAT WAS GIVEN TO ME ON THE 31ST DAY OF JULY ON WAY INTO THE COURTROOM.

“AN ACTION NOT BROUGHT BY ME. I HAD FILED BUT WAS IGNORED UNTIL TBC NOTICED THE COURT.

“I HAVE NOT EVER HAD A JURY TRIAL OVER THIS ACTION AS REQUESTED.”

{¶3} Four days after filing her brief, Appellant filed an “AMENDMENT OF ASSIGNMENT OF ERRORS,” in which she asserted the following:

“[THE COURT OF COMMON PLEAS, (NAMELY – [THE MAGISTRATE]), DID IT [SIC] FACT VIOLATE [CIV.R. 58(B)] WHEN HE CHOOSE [SIC] NOT TO INCLUDE OR SEND ME A COPY OF HIS DECISION DATED AUGUST 08, 2002 A.D.”

{¶4} App.R. 12(A)(2) provides:

“The court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).”

{¶5} This Court has previously held that we ““may summarily reject an appeal where the appellant fails to properly brief and argue his assignments of error in the manner required by the Appellate Rules.”” *Ivery v. Ivery* (Jan. 12, 2000), 9th Dist. No. 19410, at 1-2, quoting *Advertising Tapes, Inc. v. Misquitta* (Apr. 15, 1998), 9th Dist. No. 18631, at 2. Appellant has not separately argued any assignments of error in her brief, as required by App.R. 16(A)(7). Rather, Appellant has presented us with a rambling and abstract summary of her personal convictions regarding the doctrine of adverse possession, interspersed with disjointed citations to foreign authorities.

{¶6} Moreover, even if we were to overlook the shortcomings in Appellant’s presentation of her claims, they would be found to be without merit. The record reveals that all parties appeared for a trial on Appellant’s claims before a magistrate on July 31, 2002. Following the proceedings, the magistrate journalized an order in which he found that Appellant voluntarily walked out of the courtroom on the day of the trial. The magistrate further found that Appellant’s claims for a lien, to quiet title, and for title by adverse possession were facially defective, and were voluntarily abandoned by Appellant by her removal of herself from the courtroom before the presentation of any evidence. Neither party

objected to the magistrate's order, and the trial court thereafter adopted the magistrate's decision.

{¶7} Pursuant to Civ.R. 53(E)(3)(a), “[w]ithin fourteen days of the filing of a magistrate’s decision, a party may file written objections to the magistrate’s decision.” Civ.R. 53(E)(3)(b) further provides that “[a] party shall not assign as error on appeal the court’s adoption of any finding of fact or conclusion of law unless the party has objected to that finding or conclusion under this rule.” Appellant’s failure to object to the magistrate’s decision bars her from raising any error on appeal pertinent to the trial court’s adoption thereof. See *State ex rel. Booher v. Honda of Am. Mfg., Inc.* (2000), 88 Ohio St.3d 52, 53-54.

{¶8} Appellant’s assignments of error are overruled. The judgment of the trial court is affirmed.

Judgment affirmed.

BETH WHITMORE
FOR THE COURT

SLABY, P. J.
BATCHELDER, J.
CONCUR

APPEARANCES:

SUSAN A. BRIDGES, 653 Moreley Avenue, Akron, Ohio 44320, Appellant.

JAMES A. RUDGERS, Assistant Prosecuting Attorney, 906 Key Building, 159 South Main Street, Akron, Ohio 44308, for Appellee Summit County Treasurer.

PATRICK J. KEATING and CHRISTOPHER C. ESKER, Attorneys at Law, 50 South Main Street, P. O. Box 1500, Akron, Ohio 44309-1500, for Appellee TCB Tax 1, nka M Credit, Inc.

RITA WINEBRENNER, 1584 Hagey Drive, Barberton, Ohio 44203, Appellee.

ANITA SKITAREL HOLLOCK, 1584 Hagey Drive, Barberton, Ohio 44203, Appellee.