

**CAIN ET AL., APPELLEES, v. HORN ET AL., APPELLANTS.**

**[Cite as *Cain v. Horn*, 162 Ohio St.3d 506, 2020-Ohio-6761.]**

*Court of appeals' judgment as to proposition of law No. I affirmed on the authority of West v. Bode—Proposition of law No. II dismissed as having been improvidently accepted.*

(No. 2020-0761—Submitted December 15, 2020—Decided December 29, 2020.)

APPEAL from the Court of Appeals for Guernsey County,

No. 19CA000031, 2020-Ohio-3171.

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{¶ 1} The judgment of the court of appeals as to proposition of law No. I is affirmed on the authority of *West v. Bode*, 162 Ohio St.3d 293, 2020-Ohio-5473, 165 N.E.3d 298.

{¶ 2} Proposition of law No. II of the appeal is dismissed as having been improvidently accepted.

O'CONNOR, C.J., and FRENCH, FISCHER, DEWINE, and STEWART, JJ., concur.

KENNEDY and DONNELLY, JJ., concur in part and dissent in part and would reverse the judgment of the court of appeals as to proposition of law No. I.

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Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., Gregory W. Watts, Matthew W. Onest, and Wayne A. Boyer, for appellees Julia A. Cain and David J. Cain.

Kincaid, Taylor & Geyer, Scott D. Eickelberger, and David J. Tarbert, for appellants Diana Burrett Horn, William B. Burrett, Molly V. Shepard Brady, Peter B. Shepard, Nancy Shepard, Marguerite S. Oakes, and Thomas B. Oakes.

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