

[Cite as *McAuley v. Brooker*, 2018-Ohio-449.]

STATE OF OHIO, NOBLE COUNTY

IN THE COURT OF APPEALS

SEVENTH DISTRICT

GUDRUN MCAULEY,)	CASE NO. 17 NO 0445
)	
PLAINTIFF-APPELLANT,)	
)	
VS.)	OPINION AND
)	JUDGMENT ENTRY
DONALD L. BROOKER et al.,)	
)	
DEFENDANTS-APPELLEES.)	

CHARACTER OF PROCEEDINGS:	Application for Reconsideration
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JUDGMENT:	Denied.
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JUDGES:
Hon. Carol Ann Robb
Hon. Cheryl L. Waite
Hon. Mary DeGenaro

Dated: January 25, 2018

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APPEARANCES:

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PER CURIAM.

{¶1} Plaintiff-Appellant Gudrun Ann McAuley filed a timely application for reconsideration of *McAuley v. Brooker*, 7th Dist. No. 17 NO 0445, 2017-Ohio-9222.

{¶2} “The test generally applied upon the filing of a motion for reconsideration in the court of appeals is whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been.” *Columbus v. Hodge*, 37 Ohio App.3d 68, 523 N.E.2d 515 (1987), paragraph one of the syllabus.

{¶3} The purpose of reconsideration is not to reargue one's appeal based on dissatisfaction with the logic used and conclusions reached by an appellate court. *Victory White Metal Co. v. N.P. Motel Syst. Inc.*, 7th Dist. No. 04 MA 0245, 2005–Ohio–3828, ¶ 2. “An application for reconsideration may not be filed simply on the basis that a party disagrees with the prior appellate court decision.” *Hampton v. Ahmed*, 7th Dist. No. 02 BE 0066, 2005–Ohio–1766, ¶ 16 (reconsideration motions are rarely considered when the movant simply disagrees with the logic used and conclusions reached by an appellate court).

{¶4} Appellant presents multiple arguments in her application. First she argues our analysis concerning the 1937 deed is contradictory on its face and our analysis regarding the first part of the mineral reservation in the 1961 executor's deed is contradictory. She then argues our analysis regarding the existence of merger undermines the analysis of the 1961 executor's deed and our merger analysis is incorrect. Lastly, Appellant contends our decision in *Bayes v. Sylvester*, 7th Dist. No. 13 MO 0020, 2017-Ohio-4033 is incorrect and we should have not relied on it to dispose of the 2006 ODMA argument.

{¶5} The arguments presented do not call our attention to an obvious error or raise for our consideration something that was not considered at all or was not fully considered by this court. The arguments presented indicate Appellant simply

disagrees with the logic used and conclusions reached by this court. Accordingly, application for reconsideration is denied.

Robb, P.J. concurs.

Waite, J., concurs.

DeGenaro, J., concurs.