

OPINIONS OF THE SUPREME COURT OF OHIO

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In re Estate of Mayer, Deceased.

[Cite as In re Estate of Mayer (1994), Ohio St.3d .]

Probate -- Joint and survivorship accounts -- Survivorship rights to sums remaining on deposit at death of depositor not defeated by extrinsic evidence that decedent did not intend to create in surviving party a present interest in the account during decedent's lifetime -- Opening of account is conclusive evidence of intention to transfer to surviving party a survivorship interest in balance remaining in account at death.

(No. 94-797 -- Submitted December 20, 1994 -- Decided December 30, 1994.)

Appeal from the Court of Appeals for Lucas County, No. L-93-131.

Wasserman, Bryan, Landry & Honold, John A. Landry and John C. Wasserman, for appellees Gary Blumenthal, Warner Blumenthal and Walter Blumenthal.

Eastman & Smith, James F. Nooney and John D. Willey, Jr., for appellant Jane Markwood.

Sua sponte, the judgment of the court of appeals is reversed and the cause is remanded to that court for consideration of the appeal in light of Wright v. Bloom (1994), 69 Ohio St.3d 596, 635 N.E.2d 31.

Moyer, C.J., Douglas, Wright, F.E. Sweeney and Pfeifer, JJ., concur.