

[Cite as *In re Estate of Alsfelder*, 2014-Ohio-3568.]

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

IN RE: ESTATE OF KATHERINE F. :
ALSFELDER

APPEAL NO. C-140062
TRIAL NO. 2010000140

:

OPINION.

Appeal From: Hamilton County Court of Common Pleas, Probate Division

Judgment Appealed From Is: Appeal Dismissed

Date of Judgment Entry on Appeal: August 20, 2014

The Blessing Law Firm, William H. Blessing and Angela L. Blessing, for Appellant Hartge Smith Nonwoven, LLC.,

Graydon Head & Ritchey LLP, Harry J. Finke IV and Bianca E. Gracanin, and Taft Stettinius & Hollister LLP and Julia B. Meister, for Appellees/Co-Executors Cathy Alsfelder and Sally Alsfelder.

Please note: this case has been removed from the accelerated calendar.

Per Curiam.

{¶1} This is an appeal from the probate court’s judgment that awarded fees to the co-executors’ attorneys. The probate court issued a decision in which it awarded attorney fees related to a will-contest action and ordered that the fees be paid solely out of one beneficiary’s distributive share of the estate proceeds. We do not decide whether the court erred in its allocation of the fees, because the court’s order is not a final appealable order. We therefore dismiss the appeal.

{¶2} Our review is limited to final orders. “An order of a court is a final, appealable order only if the requirements of both Civ.R. 54(B), if applicable, and R.C. 2505.02 are met.” *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86, 541 N.E.2d 64 (1989), syllabus. In this case, the court awarded the attorney fees, and stated that “[t]he hearing on the Application of the Co-Executors for Extraordinary Fiduciary Fees * * * and [t]he hearing on the Application of the Co-Executors as to total attorney fees payable to Graydon Head & Ritchey LLP [are] continued in progress.” The order was not a final appealable order because it did not determine the underlying estate action or affect a substantial right. *See* R.C. 2505.02(B). We therefore dismiss the appeal.

Appeal dismissed.

HILDEBRANDT, P.J., FISCHER and DEWINE, JJ.

Please note:

The court has recorded its own entry on the date of the release of this opinion.