

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

IN THE MATTER OF THE ESTATE OF
RANDALL LUCAS, DECEASED

:
: C.A. No. 30812
:
: Trial Court Case No. 2022 EST 00464
:
: (Appeal from Common Pleas Court-
: Probate Division)
:
: **FINAL JUDGMENT ENTRY &**
: **OPINION**

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Pursuant to the opinion of this court rendered on October 2, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,

A handwritten signature in black ink, appearing to read 'TG Hanseman', written over a horizontal line.

ROBERT G. HANSEMAN, JUDGE

LEWIS, P.J., and HUFFMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30812

WORRELL A. REID, Appellant, Pro Se
MAXWELL B. NEWSOME, Guardian Ad Litem for Appellee R.L.

HANSEMAN, J.

{¶ 1} Worrell A. Reid, who is the former administrator of the Estate of Randall Lucas (“the estate”), appeals from the Montgomery County Probate Court’s judgment removing him as the administrator of the estate. For the reasons outlined below, the judgment of the probate court is affirmed.

Facts and Course of Proceedings

{¶ 2} Randall Lucas (“the decedent”) died intestate on December 16, 2021. The decedent was a businessman who owned several vehicles and parcels of real estate that were rental properties. The decedent also owned two limited liability companies (“LLCs”)—5 Star Investments, LLC, and R.E. Lucas Trucking, LLC. The LLCs owned several vehicles and several parcels of real estate as well. The decedent was the sole member of the LLCs.

{¶ 3} The decedent’s estate was opened in the probate court in March 2022. On June 13, 2022, the probate court appointed Reid, an attorney, as the administrator of the estate. Reid’s administration involved the determination of heirship, management and liquidation of the estate’s assets, and correspondence with the heirs and their representatives. After Reid filed a complaint to determine heirship, which was the subject of *Reid v. Williams*, 2024-Ohio-3332 (2d Dist.), the probate court identified thirteen heirs who were entitled to inherit from the estate. Six of the thirteen heirs were minors for whom guardian ad litem (“GALs”) were appointed. There is no dispute that the decedent’s estate was very complex given the large amount of assets and heirs.

{¶ 4} On October 10, 2025, Maxwell B. Newsome (“Newsome”), the GAL for one of the minor heirs, filed a motion to have Reid removed as the estate’s administrator. In the motion, Newsome claimed that Reid had failed to timely file an inventory and account, engaged in unauthorized conduct, and breached several fiduciary duties. The probate court held a hearing on the motion on February 24, 2026. Reid and several of the heirs and their representatives appeared at the hearing.

{¶ 5} During the hearing, Newsome called Reid to testify about the estate and his conduct as administrator. After Reid testified, five of the decedent’s adult heirs testified pro se and complained about Reid’s lack of communication and how he was handling the estate. Reid then attempted to call Newsome to testify, but Newsome objected since he was not a party to the action. After giving Reid an opportunity to explain why he wanted to call Newsome to testify, the probate court found that Newsome’s testimony would involve privileged attorney-client or work-product information. Accordingly, the probate court sustained Newsome’s objection and prohibited Reid from calling Newsome as a witness. The probate court did, however, allow Reid to proffer the exhibits and information that he wanted to elicit from Newsome.

{¶ 6} Following the removal hearing, on March 6, 2026, the probate court issued an order and entry granting Newsome’s motion to remove Reid as the estate’s administrator. Reid now appeals from that judgment and raises two assignments of error for review.

First Assignment of Error

{¶ 7} Under his first assignment of error, Reid contends that the probate court’s judgment removing him as administrator was an abuse of discretion and contrary to law. We disagree.

R.C. 2109.24

{¶ 8} The probate court removed Reid under the authority of R.C. 2109.24, which authorizes the probate court to remove any fiduciary who “fails to make and file an inventory as required by sections 2109.58, 2111.14, and 2115.02 of the Revised Code or to render a just and true account of the fiduciary’s administration at the times required by section 2109.301, 2109.302, or 2109.303 of the Revised Code . . . if the failure continues for thirty days after the fiduciary has been notified by the court of the expiration of the relevant time.” R.C. 2109.24. The statute also allows a probate court to remove any fiduciary after 10 days’ notice “for habitual drunkenness, neglect of duty, incompetency, or fraudulent conduct, because the interest of the property, testamentary trust, or estate that the fiduciary is responsible for administering demands it, or for any other cause authorized by law.” *Id.*

{¶ 9} “The removal of the fiduciary, pursuant to R.C. 2109.24, rests within the sound discretion of the trial court, and a reviewing court will not reverse that decision absent a clear showing of abuse of that discretion.” *In re Estate of Shaw*, 2005-Ohio-4743, ¶ 18 (2d Dist.), quoting *In re Estate of Russolillo*, 69 Ohio App.3d 448, 450 (10th Dist.1990); accord *In re VanDyke*, 2012-Ohio-1098, ¶ 6 (2d Dist.). “A trial court abuses its discretion when its decision is “unreasonable, arbitrary, or unconscionable.”” *Sullivan v. Sullivan*, 2021-Ohio-1117, ¶ 7 (2d Dist.), quoting *Bissell v. Bissell*, 2016-Ohio-3086, ¶ 9 (2d Dist.), quoting *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990). An abuse of discretion most often involves an unreasonable decision that is not supported by a sound reasoning process. *AAAA* at 161. This standard of review is “highly deferential,” and “we will not lightly substitute our interpretation for that of the issuing court.” *State ex rel. Cincinnati Enquirer v. Hunter*, 2013-Ohio-5614, ¶ 29.

Reid's Removal Was Not an Abuse of Discretion

{¶ 10} The probate court cited various reasons for removing Reid under the authority of R.C. 2109.24. Specifically, the probate court found that Reid had failed to timely file an inventory and account, engaged in unauthorized conduct, attempted to convey away real estate for the benefit of one heir, and failed to conduct requisite appraisals for the decedent's LLCs. The following information from the record supports all the probate court's findings.

1. Failed to Timely File an Inventory and Account

{¶ 11} After appointing Reid as the estate's administrator, the probate court granted Reid an extension of time to file the estate's inventory and ordered the inventory to be filed by November 14, 2022. The probate court then granted Reid a second extension to file the inventory by January 16, 2023. Reid did not request any further extensions yet filed the inventory on June 12, 2023—almost five months past the due date of the last extension granted. Accordingly, the record establishes that the inventory was untimely.

{¶ 12} Reid also failed to file a timely account. Prior to the inventory being filed, on January 3, 2023, the probate court issued an order and citation to show cause for Reid's failure to file an account within the time prescribed by law. The probate court ordered an account to be approved for filing before the show-cause hearing, which was scheduled for February 13, 2023. At the show-cause hearing, the probate court granted Reid an extension of 120 days to file an account and continued the hearing to July 17, 2023. At the second show-cause hearing, the probate court granted Reid a second extension—45 days—to file an account and continued the hearing to September 11, 2023. The third show-cause hearing never transpired. On July 26, 2023, the probate court issued an order dismissing its order and citation to show cause because multiple heirs had filed objections to the June 12, 2023,

inventory. As a result of those objections, the probate court deferred the requirement of filing an account until the objections to the inventory were resolved.

{¶ 13} By January 17, 2025, all objections to the inventory had been withdrawn, yet Reid did not file an account until August 22, 2025. The first account Reid filed was a partial account covering the first 13 months of Reid’s administration (June 13, 2022, to July 11, 2023). On September 23, 2025, Reid filed a second partial account covering the following 18 months of his administration (July 12, 2023, to January 1, 2025).

{¶ 14} To justify the delay in filing the accounts, Reid claims that the objections were not officially resolved until the inventory was approved by the probate court. Even if we were to accept that argument, the record indicates that the inventory was approved on April 21, 2025, and that Reid did not file the first partial account until four months later. In any event, the statutes governing inventories and accounts do not require inventory approval as a prerequisite to filing an account. See R.C. 2115.02 and 2109.301.

{¶ 15} For the foregoing reasons, it was reasonable for the probate court to conclude that Reid had failed to timely file the estate’s inventory and accounts, and for the court to consider that failure when deciding to remove Reid under the authority of R.C. 2109.24.

2. Engaged in Unauthorized Conduct

{¶ 16} The decedent owned, among other things, several parcels of real estate that were rental properties. Pursuant to R.C. 2113.311, Reid applied to the probate court for authorization to manage the parcels of real estate that were owned in the decedent’s name. R.C. 2113.311(A) provides that “[i]f, within a reasonable time after the appointment of the executor or administrator, no one in authority has taken over the management and rental of any real property of which the decedent died seized, the executor or administrator, or an

heir or devisee may, unless the will otherwise provides, make application to the probate court for an order authorizing the executor or administrator to assume those duties.”

{¶ 17} If the executor or administrator is granted authority under R.C. 2113.311, he or she is authorized to collect rents and to use those rents to pay all taxes and assessments due on the real property and all usual operating expenses in connection with the real property’s management, to insure the buildings, and to make repairs when necessary to preserve the real property from waste. R.C. 2113.311(E)(1) and (E)(2)(a) through (c). The executor or administrator is also authorized to “[a]dvance money upon an order first obtained from the court, for the repairs, taxes, insurance, and all usual operating expenses that shall be a charge on the real property.” R.C. 2113.311(E)(3). In addition, the executor or administrator is authorized to “[r]ent the property on a month-to-month basis, or, upon an order first obtained from the court, for a period not to exceed one year,” and to “[p]rosecute actions for forcible entry and detainer of the real property.” R.C. 2113.311(E)(4) and (E)(5).

{¶ 18} An application for the authority granted under R.C. 2113.311 must contain “(1) [a] brief statement of the facts upon which the application is based and any other pertinent information that the court may require; (2) [a] description or identification of the real property and the interest owned by the decedent at the time of death; [and] (3) [t]he names and addresses, if known to the applicant, of the persons to whom the real property passed by descent or devise.” R.C. 2113.311(A)(1) through (3). “If the court finds that the statements contained in the application are true and that it would be for the best interest of those heirs or devisees that the application be granted, it may authorize the executor or administrator to assume the management and rental of the real property.” R.C. 2113.311(C).

{¶ 19} On June 9, 2023, the probate court magistrate found that Reid’s application for authority under R.C. 2113.311 was deficient, and denied it. The magistrate instructed

Reid “to resubmit the application for authority with the relevant pieces of real property identified as required by the statute, and with the known heirs of Decedent also identified, and served with a copy of the application.” June 9, 2023, Magistrate’s Decision, p. 3. The probate court judge adopted the magistrate’s decision on July 6, 2023.

{¶ 20} The record establishes that Reid did not resubmit the application as instructed by the probate court and never obtained the probate court’s authority to manage the decedent’s real estate. Despite this, Reid admitted at the removal hearing that he, with the help of the decedent’s brother, a non-heir, collected rent, paid for repairs, purchased insurance, and paid real estate taxes for the real estate in question. In other words, Reid managed the real property even though he had not obtained the probate court’s authorization as required by R.C. 2113.311(A).

{¶ 21} We also note that Reid failed to make an accounting of the rents and expenditures as required by R.C. 2113.311(F). Reid testified that he did not itemize any of the rent collected, but that he only made copies of the rent checks that came in before depositing them in the bank. The record also indicates that Reid made several expenditures without the probate court’s approval.

{¶ 22} Reid also applied for authority to assume the rights and duties commensurate with the decedent’s membership interest in the two LLCs for the purpose of settling the estate. This application was made under R.C. 1706.332, which provides that “[i]f a member dies, the deceased member’s personal representative or other legal representative may, for purposes of settling the estate, exercise the rights of a current member under section 1706.33 of the Revised Code.”

{¶ 23} R.C. 2113.30(A) provides that “an executor or administrator, without personal liability for losses incurred, may continue the decedent’s business during four months next

following the date of the appointment of that executor or administrator, unless the probate court directs otherwise, and for any further time that the court may authorize upon a hearing and after notice to the surviving spouse and distributees.” The statute also provides that “[d]uring the time the business is continued, the executor or administrator shall file monthly reports in the court, setting forth the receipts and expenses of the business for the preceding month and any other pertinent information that the court may require.” R.C. 2113.30(A). Therefore, “[t]he executor or administrator may not bind the estate without court approval beyond the period during which the business is continued.” *Id.* “[T]he purpose of R.C. 2113.30 is to protect the interests of the heirs by requiring the executor or administrator to obtain the permission of the probate court in order to continue the business for more than [four months], and to file monthly reports setting forth the receipts and expenses.” *Sudnek v. Klein*, 125 Ohio App.3d 336, 340 (11th Dist. 1997).

{¶ 24} In this case, Reid was appointed as administrator on June 13, 2022. Reid filed his application for authority to assume the decedent’s membership rights and duties in the LLCs eight and a half months later on February 23, 2023, which is four and a half months beyond the four-month period that he was permitted to continue the decedent’s businesses. Therefore, Reid did not have authority to operate the decedent’s businesses during that four-and-a-half-month period, yet the record indicates that he continued to do so. Also, during that time, Reid never filed any monthly reports, as required by R.C. 2113.30.

{¶ 25} On June 9, 2023, the probate court magistrate denied Reid’s application for authority to manage the decedent’s LLCs. The magistrate found that Reid was asking for authority to operate the LLCs when it was actually his duty to wind them up pursuant to R.C. 1706.472. As a result, the magistrate ordered Reid to wind up the LLCs. The probate court judge adopted the magistrate’s decision on July 6, 2023.

{¶ 26} Despite the probate court's order to wind up the LLCs, Reid continued accepting rent on some of the real estate owned by 5 Star Investments, LLC. At the hearing on the motion to remove Reid as administrator—which occurred two years and seven months after the probate court's order to wind up the LLC's—Reid acknowledged that he had not yet wound up either of the LLCs. He also agreed that 5 Star Investments was open and operating.

{¶ 27} For all the foregoing reasons, it was reasonable for the probate court to conclude that Reid had engaged in unauthorized conduct and for the court to consider that conduct when deciding to remove him under the authority of R.C. 2109.24.

3. Attempt to Convey Real Estate to One Heir

{¶ 28} “It is the duty of a fiduciary of an estate to serve as representative of the entire estate. Such fiduciary, in the administration of an estate, owes a duty to beneficiaries to act in a manner which protects the beneficiaries' interests.” *Wanamaker v. Davis*, 2007-Ohio-4340, ¶ 20 (2d Dist.), quoting *Elam v. Hyatt Legal Servs.*, 44 Ohio St.3d 175, 176 (1989).

{¶ 29} In this case, the record indicates that Reid filed a declaratory action to have a parcel of the decedent's real estate transferred to one heir, Ciara Watson, to the exclusion of the other 12 heirs. Reid claimed that he did this because all of the heirs had allegedly told him that the real estate in question was Watson's home and that Watson had paid for the property even though the legal title to the property was in the decedent's name. Although Reid eventually dismissed the declaratory action under Civ.R.41(A)(1)(a), the probate court found it troublesome that Reid had relied on oral representations of the heirs as opposed to evidence that complied with Ohio's statute of frauds, which requires transfers of real estate to be in writing. R.C. 1335.04. The probate court also found it troublesome that, in seeking the transfer, Reid failed to consider that the six minor heirs could not waive their interest in

the real estate without following legally required procedures. Upon review, we cannot say that the probate court's concerns were unreasonable or that it was unreasonable for the court to find that Reid's actions regarding the attempted real estate transaction breached his fiduciary duty to protect the heirs' interests.

4. Failed to Conduct Requisite Appraisals of LLCs

{¶ 30} The inventory filed by Reid on June 12, 2023, valued the decedent's two LLCs at \$610,960.00 and \$85,605.12. Reid explained that these figures were based on court-approved valuations, not appraisals. Accordingly, the inventory only accounted for the assets of the LLCs and did not include their debts and expenses. On February 3, 2026, two years and seven months after the inventory was filed, Reid notified the probate court that he had recently received a U.S. Department of Treasury claim pertaining to a \$231,705.41 outstanding debt owed by 5 Star Investments, LLC, which Reid believed to be a COVID loan. Reid advised that he was not previously aware of the claim. Under these circumstances, it was reasonable for the probate court to find that an appraisal of the LLCs was required to determine the LLCs' values and that Reid's failure to have the LLCs appraised was a breach of his fiduciary duty as administrator and was a basis for removal under R.C. 2109.24.

{¶ 31} Because the record established that Reid had failed to timely file an inventory and account, engaged in unauthorized conduct, attempted to convey away real estate for the benefit of one heir, and failed to conduct requisite appraisals for the decedent's LLCs, we do not find that the probate court abused its discretion by removing Reid as administrator of the estate under the authority of R.C. 2109.24.

Reid's Removal Was Not Contrary to Law

{¶ 32} Reid claims that the probate court's decision to remove him was contrary to

law because R.C. 2109.24 was not the proper statute to apply in this case. Reid claims that the proper statute to apply was R.C. 2113.18 and that there was no basis to remove him under that statute.

{¶ 33} Under R.C. 2113.18(A), “the probate court may remove any executor or administrator if there are unsettled claims existing between the executor or administrator and the estate that the court thinks may be the subject of controversy or litigation between the executor or administrator and the estate or persons interested in the estate.” Like R.C. 2109.24, whether to remove an administrator under R.C. 2113.18(A) is within the sound discretion of the probate court. *In re Estate of McCauley*, 2014-Ohio-2291, ¶ 14 (5th Dist.); *In re Estate of Guito Alibrando*, 2026-Ohio-133, ¶ 111 (5th Dist.).

{¶ 34} Although R.C. 2113.18 specifically applies to “any executor or administrator” and R.C. 2109.24 applies to “any fiduciary,” both statutes provide a statutory basis for removing an administrator of a decedent’s estate, because an administrator is a fiduciary. (Citations omitted.) *In re Burton*, 2016-Ohio-2683, ¶ 7 (12th Dist.); *In re Estate of Sneed*, 2007-Ohio-1190, ¶ 16 (6th Dist.). When faced with the question of whether to apply R.C. 2113.18 or R.C. 2109.24, this court has explained that “courts have wide discretion to apply the law to resolve the cases before them.” *In re Estate of Levy*, 2005-Ohio-446, ¶ 15 (2d Dist.). Even if we accepted Reid’s argument that there was no basis to remove him under R.C. 2113.18(A), the record indicates that there was a sufficient basis to remove him under R.C. 2109.24 and that such a decision was not an abuse of discretion. Accordingly, the probate court acted within its discretion when it applied R.C. 2109.24 to the instant removal matter.

{¶ 35} Reid’s first assignment of error is overruled.

Second Assignment of Error

{¶ 36} Under his second assignment of error, Reid claims that the probate court erred when it prohibited him from calling Newsome to testify as a witness at the removal hearing. Newsome is the GAL who filed the motion for Reid’s removal as administrator. Newsome objected to Reid calling him to testify, and the probate court sustained the objection.

{¶ 37} “Evidentiary rulings are within the sound discretion of the trial court and its decision in such matters will not be disturbed on appeal absent an abuse of discretion.” *In re Priser*, 2004-Ohio-1315, ¶ 14 (2d Dist.), citing *State v. Maupin*, 42 Ohio St.2d 473 (1975), and *State v. Sage*, 31 Ohio St.3d 173 (1987); *Ward v. Grounds*, 2026-Ohio-2005, ¶ 10 (2d Dist.). “A trial court abuses its discretion when its decision is “unreasonable, arbitrary, or unconscionable.”” *Sullivan*, 2021-Ohio-1117 at ¶ 7 (2d Dist.), quoting *Bissell*, 2016-Ohio-3086, ¶ 9 (2d Dist.), quoting *AAAA*, 50 Ohio St.3d at 161.

{¶ 38} In this case, Reid claims that Newsome should have been required to testify at the removal hearing because former Sup.R. 48.03(D) requires GALs to ascertain relevant facts, as well as the wishes and concerns of the minor and the minor’s parents.¹ The record, however, establishes that Reid advised the probate court that he wanted to question Newsome about facts and laws pertaining to the management of the LLCs, as Reid believed this case presented issues of first impression on that matter. Reid also advised the probate court that he wanted to ask Newsome why he filed his removal motion under R.C. 2109.24 as opposed to R.C. 2113.18. The record therefore indicates that Reid did not intend to question Newsome about anything related to the minor he was representing. Instead, the record indicates that Reid simply wanted to get a better understanding of the facts and law that Newsome used to make his removal arguments.

1. Effective July 1, 2026, Sup.R. 48.03(D) has been renumbered as Sup.R. 8.03(D).

{¶ 39} It was not unreasonable, arbitrary, or unconscionable for the probate court to prohibit such testimony, as it was arguably protected under the attorney-work-product privilege. See *Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp.*, 2010-Ohio-4469, ¶ 55 (stating that the work-product privilege protects “the attorney’s mental processes in preparation of litigation”). Moreover, the requested information pertaining to R.C. 2109.24 and R.C. 2113.18 was immaterial since both statutes provide a statutory basis for removing an administrator. To the extent that Reid claims he was prevented from confronting and cross-examining an adverse witness, we note that the minor represented by Newsome, not Newsome, was the adverse witness.

{¶ 40} After sustaining Newsome’s objection to testifying, the probate court allowed Reid to proffer the exhibits he wanted to present through Newsome. Reid first proffered the fiduciary’s acceptance, which is a document that had already been filed and made part of the record on March 24, 2022. Reid next proffered three documents from related cases showing that Reid had obtained judgment entries vesting real property back to the estate and that he had filed a complaint to determine heirship. Newsome, however, was not a party to any of those actions and therefore had no personal knowledge of them. Reid, who was a party to those actions, could have authenticated all the proffered exhibits through his own testimony, meaning that the proffered exhibits could have been presented without Newsome testifying. Accordingly, Reid did not suffer any prejudice as a result of Newsome not testifying at the removal hearing.

{¶ 41} Under the foregoing circumstances, we cannot say that the probate court abused its discretion when it prohibited Reid from calling Newsome to testify at the removal hearing.

{¶ 42} Reid’s second assignment of error is overruled.

Conclusion

{¶ 43} Having overruled both of Reid’s assignments of error, the judgment of the probate court is affirmed.

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LEWIS, P.J., and HUFFMAN, J., concur.