

[Cite as *Willey v. Willey*, 2011-Ohio-2205.]

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

RONDA L. WILLEY,	:	
Plaintiff-Appellee,	:	CASE NO. CA2010-03-055
- vs -	:	<u>DECISION</u> 5/9/2011
RICKEY J. WILLEY,	:	
Defendant-Appellant.	:	

APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS,
DOMESTIC RELATIONS DIVISION
Case No. DR2009-10-1169

Ronda L. Willey, 5138 Hamilton Eaton Road, Hamilton, Ohio 45013, plaintiff-appellee, pro se

Rickey J. Willey, 242 Meade Street, Zanesville, Ohio 43701, defendant-appellant, pro se

Per Curiam.

{¶1} Appellant, Rickey J. Willey, appeals the judgment of the Butler County Domestic Relations Court granting a divorce to Ronda L. Willey (wife).

{¶2} Appellant, filing his appeal pro se, does not set forth any assignments of error. A review of his brief indicates he is challenging the service of the complaint for divorce, the failure to allow a response to the complaint, the treatment of the case

as uncontested, and the presentation of the wife's "perjured information." The wife did not file an appellate brief and we will consider this appeal in accordance with App.R. 18.

{¶3} According to the record, certified mail service of the complaint for divorce was attempted on appellant at an address in Zanesville, Ohio, three times before the complaint was returned unclaimed. The complaint was subsequently sent by ordinary mail to the same address, post marked December 4, 2009. The ordinary mail was not returned.

{¶4} Appellant argues that the Zanesville address is his mother's residence and he hasn't lived there since 1982. Appellant said he lives out of state and, due to threats from wife's family and others, cannot provide his address. Appellant indicates that he has "resorted" to using his mother's Zanesville address to arrange to pick up his mail on a monthly basis.

{¶5} It appears from the record before us that service of the complaint was obtained in accordance with the law. See Civ.R. 75 (rules of civil procedure shall apply in actions for divorce and related proceedings, with certain modifications and exceptions); see Civ.R. 4.6(D) (when certified mail service is returned unclaimed, ordinary mail service may be requested in writing; service deemed complete when certificate of mailing completed by clerk is entered of record, provided ordinary mail envelope is not returned by postal authorities with endorsement showing failure of delivery); *Aguirre v. Sandoval*, Stark App. No. 2010CA00001, 2010-Ohio-6006.

{¶6} The record also indicates that wife's attorney served a copy of the proposed decree by ordinary mail to the same Zanesville address. The proposed decree stated that the couple's two children were under the jurisdiction of the Butler

County Juvenile Court, and it outlined the proposed disposition of property, debts, and other issues, if any. The matter was set for an uncontested divorce final hearing, which was held February 22, 2010. Appellant did not appear at the hearing.

{¶7} Appellant alleges that he attempted to respond to the complaint after he received it, but the response was rejected by the domestic relations court. Appellant provides extensive argument and attached documents related to the substantive issues of the divorce.

{¶8} However, it appears from the record that appellant did not properly answer or timely challenge the divorce and the domestic relations court treated the case as uncontested, noting that appellant failed to respond. We cannot say from the record before us that the domestic relations court erred in that regard. Appellant's arguments are overruled.

{¶9} Judgment affirmed.

POWELL, P.J., RINGLAND and HENDRICKSON, JJ., concur.