

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

ANNETTE LYNN CAMPBELL,	:	APPEAL NO.	C-250604
Plaintiff-Appellee,	:	TRIAL NO.	DR-9803222
vs.	:		
TROY LEE KEITH, SR.,	:		
Defendant-Appellant.	:		<i>JUDGMENT ENTRY</i>

NESTOR, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Troy Lee Keith, Sr., brought a Civ.R. 60(B) motion to challenge a 25-year-old divorce decree entered in Hamilton County. The trial court dismissed his motion as untimely. He now appeals arguing that the divorce decree was void and he can attack it at any point. Because the judgment was not void, we affirm the trial court's judgment.

Keith and Campbell had a daughter, M.T.K., in November of 1996. When visiting family in Washington, the two married in 1997. Campbell was 16 when she got pregnant and 17 when she gave birth to M.T.K. She was 17 when she wed Keith in Washington. Campbell filed for divorce in Hamilton County in November 1998.

In 1999, Keith filed for an annulment of the marriage in Washington. The Washington court granted the annulment since Campbell was a minor when the two

OHIO FIRST DISTRICT COURT OF APPEALS

wed. Keith never certified the annulment in Hamilton County. During the Hamilton County divorce proceedings, Keith signed a court document, which stated, “Defendant and Plaintiff agree an annulment filed in the State of Washington is void.”

The Hamilton County Court of Common Pleas Domestic Relations Division entered a decree of divorce on December 1, 2000. The decree ordered Keith to pay \$266.25 per month for child support. Twenty-five years later, on August 20, 2025, Keith filed a Civ.R. 60(B) motion to challenge the decree of divorce.

Keith argued his motion was timely because he “has been diligent in trying to pursue the fore mentioned [sic] issues[.]” He argued the divorce decree is void based on the Washington annulment. Campbell did not respond to the motion. The court dismissed the motion because it was untimely. The court stated in its entry that the Washington annulment was known to Keith throughout the Ohio divorce proceedings. The court concluded Keith cannot now try to attack a 25-year-old judgment with the annulment. Keith now appeals bringing two assignments of error.

Campbell responded to Keith’s appellate brief. She made many different arguments, but she ended her brief by stating, “An award of reasonable attorney’s fees is warranted to address the needless costs occasioned by this improper filing.”

We construe Keith’s pro se assignments of error to be that first, the trial court erred in denying his motion. Second, the trial court erred by not considering his motion as a motion to vacate a void judgment.

Campbell notes in her brief that Keith did not cite to the record at all on appeal. She argues we should dismiss his appeal for this deficiency. We “may disregard an assignment of error presented for review ‘if the party raising it fails to identify in the record the error on which the assignment of error is based.’” *Fontain v. Sandhu*, 2021-Ohio-2750, ¶ 14 (1st Dist.), citing App.R. 12(A)(2); App.R. 16(A). We will not go so far

OHIO FIRST DISTRICT COURT OF APPEALS

as to dismiss the appeal in its entirety, but we may disregard his arguments. *Id.* Regardless, Keith’s arguments are without merit. First, we consider if the divorce decree is void.

Keith argues the divorce decree is void because the court lacked jurisdiction. Specifically in his reply brief, he argues the domestic relations court lacked personal jurisdiction over him.

“Personal jurisdiction is a question of law that appellate courts review de novo.” *Heredia Realty, LLC v. Harvey*, 2021-Ohio-4218, ¶ 7 (1st Dist.), quoting *CUC Properties VI, LLC v. Smartlink Ventures, Inc.*, 2021-Ohio-3428, ¶ 7 (1st Dist.). “It is axiomatic that Ohio courts can exercise jurisdiction over a person who is a resident of Ohio.” *Id.* at ¶ 8, quoting *Prouse, Dash & Crouch, L.L.P. v. DiMarco*, 2007-Ohio-5753, ¶ 5.

The court had personal jurisdiction over Keith because he was a resident of Ohio throughout the divorce proceedings. Additionally, he never opposed the court’s jurisdiction. Keith waived any argument that the court lacked personal jurisdiction by voluntarily appearing and participating in the proceedings. *Bender v. Haynes*, 2011-Ohio-6769, ¶ 15 (1st Dist.).

Keith does not directly argue that the court lacked subject matter jurisdiction. For our analysis though, lack of subject matter jurisdiction would render a judgment void. However, the court had subject matter jurisdiction because Campbell was an Ohio resident when she filed for divorce. When the divorce plaintiff is an Ohio resident at the time the complaint is filed, then the “domestic relations court ha[s] subject-matter jurisdiction over the divorce complaint[.]” *Griffin v. Griffin*, 2019-Ohio-5260, ¶ 24 (1st Dist.). When Campbell filed, she submitted an affidavit saying she was an Ohio resident. This satisfied the requirements of subject matter jurisdiction.

OHIO FIRST DISTRICT COURT OF APPEALS

“[A] judgment is generally void only when the court rendering the judgment lacks subject-matter jurisdiction or jurisdiction over the parties[.]” *Miller v. Nelson-Miller*, 2012-Ohio-2845, ¶ 12. The court had personal jurisdiction over Keith and subject matter jurisdiction over the divorce. Because of this, the decree is not void.

Keith is correct in asserting that a void judgment may be attacked at any time. *See Lingo v. State*, 2014-Ohio-1052, paragraph two of the syllabus. However, the judgment here is valid. The trial court did not err when it considered Keith’s motion as a Civ.R. 60 motion rather than a motion to vacate a void judgment. We overrule this assignment of error.

Keith also argues the trial court erred in dismissing his Civ.R. 60(B) motion. We review a trial court’s Civ.R. 60(B) judgment for an abuse of discretion. *Shelter Mut. Ins. Co. v. Jones*, 2026-Ohio-1482, ¶ 13 (1st Dist.). An abuse of discretion occurs when a court “was arbitrary, unreasonable, or unconscionable.” *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 34, citing *Celmer v. Rodgers*, 2007-Ohio-3697, ¶ 19. A trial court lacks “discretion to make errors of law[.]” *Id.* at ¶ 39.

For Keith to be successful, he would have to show that “(1) [he] has a meritorious defense or claim to present if relief is granted; (2) [he] is entitled to relief under one of the grounds stated in Civ.R. 60(B)(1) through (5); and (3) the motion is made within a reasonable time.” *Shelter Mut. Ins. Co.* at ¶ 23, quoting *Fifth Third Banks v. NCS Mtge. Lending Co.*, 2006-Ohio-571, ¶ 12 (1st Dist.). Keith does not argue under what specific grounds he is entitled to relief in Civ.R. 60 (B)(1) through (5). Additionally, his motion is untimely.

In *Shelter Mut. Ins. Co.*, this court held that waiting 16 months to file a Civ.R. 60(B) rendered the motion untimely. *Id.* at ¶ 25. The defendant in *Shelter Mut. Ins. Co.* became aware of the suit against him two months after the trial court granted a

OHIO FIRST DISTRICT COURT OF APPEALS

default judgment against him. *Id.* ¶ 4-5. Because he did not file his Civ.R. 60(B) motion until 16 months after learning of the lawsuit, he did not file it within a reasonable time. *Id.* at ¶ 25.

Keith's inaction was much longer than 16 months. Keith waited 25 years. As the trial court noted in its judgment dismissing the motion, Keith was aware of the Washington annulment throughout the Ohio divorce proceedings. This was not new information. Because Keith's motion was untimely, we overrule his second assignment of error.

Campbell asks this court to award attorney's fees. App.R. 23 states, "If a court of appeals shall determine that an appeal is frivolous, it may require the appellant to pay reasonable expenses of the appellee including attorney fees and costs."

In *Stewart v. Stewart*, 2025-Ohio-1635, ¶ 58 (1st Dist.), we reviewed a wife's motion against her husband for App.R. 23 attorney's fees. We denied the motion. *Id.* at ¶ 64. Though the husband's appeal was not meritorious and lacked case law, he cited the record, raised new issues on appeal, and did not make claims that were contrary to law. *Id.* at ¶ 61, 64.

Here, Keith cited case law and raised legal arguments not yet addressed by this court or the trial court in the parties' proceedings. In the past, Keith challenged child support and the paternity of M.T.K. This is the first time he has argued that the divorce decree was void. While Keith's arguments lacked merit, we cannot say this appeal was wholly frivolous. *Id.* at ¶ 63. Accordingly, we deny Campbell's request for attorney's fees.

Having overruled Keith's assignments of error, we affirm the judgment of the trial court.

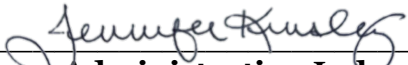
OHIO FIRST DISTRICT COURT OF APPEALS

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS, P.J., and **MOORE, J.**, concur.

To the clerk:

Enter upon the journal of the court on 5/29/2026 per order of the court.

By: 
Administrative Judge