

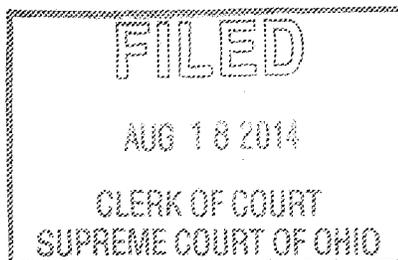
**NOTICE OF APPEAL
TO
THE SUPREME COURT OF OHIO**

14-1445

DEBRA J. MURPHY-KESLING, Appellant
From Case No. 26957 and 26962
Ninth District Court of Appeals
County of Summit
City of Akron
State of Ohio

GERALD M. KESLING, Appellee
Leslie Graske, Counsel
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DEBRA MURPHY-KESLING
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This is a notice of appeal to THE SUPREME COURT OF OHIO from Case No. 26957 and 26962 combined, from the decision of the Ninth District Court of Appeals, County of Summit, City of Akron, State of Ohio as required by S. Ct. Prac. R. 7.01 (B).

The date of the Court of Appeals' opinion 04/30/2014

The date of the filing of the application for reconsideration; 05/01/2014

The date of the Court of Appeals' decision on reconsideration; 07/03/2014

Attached is a date-stamped copy of the Court of Appeals' decision denying the application for reconsideration.

Debra J. Murphy-Kesling 8-17-2014

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

2014 JUL -3 AM 10:59

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

DEBRA J. MURPHY-KESLING

Appellant

v.

GERALD M. KESLING

Appellee

C.A. No. 26957
26962

JOURNAL ENTRY

CLERK OF COURTS

2014 JUL -3 AM 10:59
CLERK OF COURTS

Debra Murphy-Kesling has applied for reconsideration of this Court's decision. We review the application to determine if it calls to our attention an obvious error in our decision or if it raises an issue that we did not properly consider. *Garfield Hts. City Sch. Dist. v. State Bd. of Educ.*, 85 Ohio App. 3d 117, 127 (1992).

Ms. Murphy-Kesling asserts that this Court misstated her res judicata argument. She argues that it was not her former husband's failure to appeal the "original division of property order," that had preclusive effect, but his failure to appeal the "July 21, 2003, order." According to the docket, on July 21, 2003, the trial court entered a "Qualified Domestic Relations Order," which is the division of property order to which this Court referred in its decision. We, therefore, conclude that Ms. Murphy-Kesling has not identified an obvious error in our decision.

Ms. Murphy-Kesling also argues that this Court incorrectly determined that the July 21, 2003, division of property order does not have preclusive effect. As this Court explained in its decision, however, the trial court expressly reserved the right to

modify the order, in accordance with Revised Code Section 3105.89(A). The application for reconsideration is denied.



Judge Jennifer Hensal

Concur:

Carr, J.

Whitmore, J.

NOTICE OF APPEAL of APPELLANT
DEBRA J. MURPHY-KESLING
TO THE SUPREME COURT OF OHIO

From Case No. 26957 and 26962 (combined)
Ninth District Court of Appeals
County of Summit
City of Akron
State of Ohio

Court of Appeals' opinion dated 04/30/2014, the application for reconsideration was filed 05/01/2014, and the date of the Court of Appeals' denial for reconsideration was 07/03/2014. A date-stamped copy of the Court of Appeals' decision denying the application for reconsideration is attached.

Respectfully Submitted by.

DEBRA MURPHY-KESLING

Debra J. Murphy-Kesling
8-17-2014

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I hereby certify that a copy of this Notice of Appeal was sent to Leslie Graske, Counsel for GERALD M. KESLING, Appellee at 333 S. Main St. Suite 304, Akron, Oh 44308 by email on this 17th day of August, 2014.

BY DEBRA MURPHY-KESLING
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Debra J. Murphy-Kesling
8-17-2014