

OHIO COURT OF APPEALS, TWELFTH APPELLATE DISTRICT, WARREN
COUNTY

Moniz v. Moniz

2026-Ohio-159 · No. CA2025-03-015 · Decided January 20, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio affirmed a divorce decree addressing classification and division of marital property. The court upheld the classification of a Merrill Edge account as marital property, rejected a claim that dividing rental-account funds resulted in double dipping, approved reducing a marital-property offset to reflect the actual purchase price of a post-marital home, and held that the domestic relations court lacked jurisdiction over custodial accounts for the parties’ adult children.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth Appellate District, Warren County
WRITING FOR THE COURT	Melena S. Siebert; Robert A. Hendrickson, Presiding Judge; Matthew R. Byrne, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth District, Warren County
DECIDED	January 20, 2026
DOCKET	CA2025-03-015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cross-appeals from a divorce decree entered by the Warren County Court of Common Pleas, Domestic Relations Division.
STANDARD OF REVIEW	Property classification as marital or separate is reviewed under the manifest-weight-of-the-evidence standard. The division of marital property is reviewed for abuse of discretion, meaning a decision that is unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Thomas Moniz, Sandi Moniz, cross-appellant v. Sandi Moniz, Thomas Moniz, cross-appellee

TOPICS

- equitable distribution
- divorce
- family law procedure
- appellate procedure
- trusts

PRACTICE AREAS

family law

divorce

equitable distribution

appellate procedure

trusts

QUESTIONS PRESENTED

1. Whether the trial court's classification of the Merrill Edge account as marital property was against the manifest weight of the evidence.
2. Whether the trial court abused its discretion by equally dividing rental-property income after temporary spousal-support orders had considered rental income.
3. Whether the trial court abused its discretion by valuing Thomas's post-marital home at its actual purchase price rather than the higher value stated in a temporary agreed entry.
4. Whether a domestic-relations court has jurisdiction to classify and divide custodial accounts maintained for the benefit of the parties' children.

HOLDINGS

1. The trial court properly classified the Merrill Edge account as marital property because Thomas failed to prove by a preponderance of the evidence that the funds were traceable solely to his separate property.
2. The trial court did not abuse its discretion by equally dividing the rental-income account after treating the rental property and its income as marital property.
3. The trial court did not abuse its discretion by using the home's actual purchase price of \$512,500 rather than the \$515,000 figure stated in the temporary agreed entry when calculating Sandi's marital-property offset.
4. The domestic-relations court lacked jurisdiction to classify and divide custodial accounts maintained for the benefit of the parties' children; jurisdiction over custodial property is reserved to probate courts.

KEY QUOTATIONS

“This standard requires the claiming party to demonstrate that it is more likely than not that the asset in question is indeed separate property, rather than marital property subject to division in the divorce proceedings.” (§ 8)

“Put simply, Husband has not “shown his work” and demonstrated that Wife has, in fact, double dipped.” (§ 20)

“Under Ohio law, a domestic relations court has no jurisdiction over “custodial property,” including “[a]ll securities, money . . . and other types of property” supervised by a child’s custodian.” (§ 28)

FACTUAL BACKGROUND

The parties were married in 1989 and maintained multiple accounts during the marriage. Thomas claimed that a Merrill Edge account traced to funds he had deposited before marriage into a credit-union account, but he did not document that the original account was funded solely with his separate property. The parties also owned a rental property whose income was treated as marital property, and Thomas did not quantify or substantiate his

claim that awarding Sandi both temporary spousal support and half of the rental-account balance constituted double dipping. Finally, the parties maintained custodial accounts for their children, who were adults by the time of the appeal.

PROCEDURAL HISTORY

Sandi Moniz filed for divorce in October 2021, and Thomas Moniz later filed a counterclaim. After evidentiary hearings in 2023, the magistrate recommended a divorce and division of property. The parties objected, but the trial court overruled the objections and entered a divorce decree in February 2025. Both parties appealed, challenging aspects of the classification and division of marital assets and the domestic-relations court's treatment of custodial accounts for their adult children.

DISPOSITION

affirmed

CASES CITED

- Smith v. Smith, 2023-Ohio-982, ¶ 28 (12th Dist.)
- Grow v. Grow, 2012-Ohio-1680, ¶ 11 (12th Dist.)
- Barkley v. Barkley, 119 Ohio App.3d 155, 159 (4th Dist. 1997)
- Todor v. Ballesteros-Cuberos, 2024-Ohio-4525, ¶ 9 (12th Dist.)
- Peck v. Peck, 96 Ohio App.3d 731, 734 (12th Dist.)
- Humbarger v. Cassidy, 2024-Ohio-5361, ¶ 13 (12th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Rathert v. Kempker, 2011-Ohio-1873, ¶ 12 (12th Dist.)
- Hausser & Taylor, LLP v. Accelerated Systems Integration, Inc., 2005-Ohio-1017, ¶ 10 (8th Dist.)
- Spercel v. Sterling Industries, Inc., 31 Ohio St.2d 36 (1972)
- Brown v. Brown, 2009-Ohio-2204, ¶ 49 (12th Dist.)
- Miller v. Miller, 2008-Ohio-4297, ¶ 20 (9th Dist.)
- Baum v. Perry-Baum, 2019-Ohio-3923, ¶ 46 (6th Dist.)
- Heitmeyer v. Arthur, 2022-Ohio-4230, ¶ 30 (3rd Dist.)