OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, GUERNSEY COUNTY

Weese v. Dalton

2026-Ohio-537 (5th Dist. 2026) · No. 25 CA 000012 · Decided February 13, 2026

SUMMARY

The Ohio Fifth District Court of Appeals reviewed William Weese's effort to foreclose on real property owned by Christina Dalton to satisfy a judgment against her late husband. The court held that claim preclusion barred relitigation of Weese's fraud claim and that Christina could assert Ohio's homestead exemption, but concluded that the exemption did not categorically bar a forced sale. The judgment was affirmed in part, reversed in part, and remanded for further proceedings.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Guernsey County
WRITING FOR THE COURT	David M. Gormley; William B. Hoffman; Andrew J. King
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Guernsey County
DECIDED	February 13, 2026
DOCKET	25 CA 000012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment after a bench trial in a foreclosure action. The Guernsey County Court of Common Pleas found Weese's judgment lien valid but concluded that the statutory homestead exemption barred foreclosure of the property. Weese appealed.
STANDARD OF REVIEW	The appellate court reviewed the trial court's legal conclusions regarding claim preclusion and the statutory homestead exemption for error, and limited review of the fourth assignment of error to issues actually decided by the trial court.
PRECEDENTIAL VALUE	Published precedential opinion of the Ohio Court of Appeals, Fifth Appellate District
PARTIES	William Weese v. Charles W. Dalton III, Christina Dalton, Larry Lang, et al.

TOPICS

foreclosure homestead res judicata appellate procedure probate procedure

PRACTICE AREAS

real estate foreclosure civil procedure appellate procedure probate

QUESTIONS PRESENTED

1. Whether claim preclusion barred Weese from relitigating his fraud allegation against Charles Dalton in the foreclosure action.
2. Whether Christina Dalton could invoke Ohio's statutory homestead exemption against Weese's foreclosure efforts.
3. Whether the homestead exemption completely barred a forced sale of the property when the exemption amount was less than or approximately equal to the property's value.
4. Whether Larry Lang's judgment lien was barred by claim preclusion because Lang had not appealed an earlier ruling involving the homestead exemption.

HOLDINGS

1. Claim preclusion barred Weese from relitigating his fraud claim against Charles Dalton because the prior Coshocton County default judgment was a valid, final judgment on the merits, involved the same parties or privies, addressed a claim that was or could have been litigated previously, and arose from the same transaction or occurrence.
2. Christina Dalton was entitled to invoke Ohio's statutory homestead exemption for the residence in which she and her dependent daughter lived.
3. The homestead exemption did not categorically bar Weese from pursuing a forced sale of the property. It protected Christina's exempt interest, but Weese could proceed with foreclosure to collect any nonexempt value.
4. The court declined to decide whether Larry Lang could enforce his lien because the trial court had not addressed Lang's lien, its enforceability, or lien priority in the judgment under review.

KEY QUOTATIONS

> *"The doctrine of res judicata or claim preclusion provides that "[a] valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.""* (¶ 17)

> *"We believe that the trial court did err, though, when it found that the homestead exemption bars Weese's efforts to foreclose on the Dalton property."* (¶ 37)

> *"Her exempt interest in the property does not exceed the home's appraised value, though, so Weese is entitled to pursue his foreclosure claim in the trial court if he wishes to do so."* (¶ 38)

FACTUAL BACKGROUND

Charles Dalton performed home-renovation work for William Weese in 2017, after which Weese sued Dalton in Coshocton County for breach of contract and fraud. The Coshocton County court entered a default judgment for approximately $88,000 in actual breach-of-contract damages but struck language seeking findings of intentional fraud, punitive damages, and attorney fees; Weese did not appeal. Weese then filed the judgment as a lien in Guernsey County and sought foreclosure against property Charles and Christina had acquired together, where Christina and her daughter lived. The property was appraised at $189,000, while the inflation-adjusted homestead exemption was $182,625.

PROCEDURAL HISTORY

Weese previously obtained a default judgment against Charles Dalton in Coshocton County for breach-of-contract damages arising from home-renovation work; the judgment rejected or struck the requested fraud, punitive-damages, and attorney-fee allegations. Weese filed a certificate of judgment in Guernsey County and later brought this foreclosure action against property occupied by Charles's widow, Christina. After an earlier summary-judgment ruling was reversed because factual disputes existed, the trial court held a bench trial and ruled that the homestead exemption barred foreclosure. The appellate court affirmed the rulings rejecting Weese's fraud theory and recognizing Christina's exemption, reversed the conclusion that the exemption categorically barred a forced sale, and remanded.

DISPOSITION

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reversed_and_remanded
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REMAND INSTRUCTIONS

The trial court must conduct further proceedings consistent with the holding that the homestead exemption does not categorically bar a forced sale, while protecting Christina Dalton's exempt interest. The majority left any additional legal barrier, including the possible effect of Ohio's probate claim-presentment statutes, for the trial court to consider if raised.

CASES CITED

- Weese v. Dalton, 2023-Ohio-3905, ¶ 38 (5th Dist.)
- Grava v. Parkman Twp., 73 Ohio St.3d 379 (1995)
- Rogers v. Whitehall, 25 Ohio St.3d 67 (1986)
- Lycan v. Cleveland, 2022-Ohio-4676, ¶ 23
- Hapgood v. Warren, 127 F.3d 490, 493 (6th Cir. 1997)
- Duncan v. U.S. Bank, NA, 574 Fed. Appx. 599, 602 (6th Cir. 2014)
- Martel v. Am. Family Ins. Co., 2012-Ohio-1486, ¶ 45 (5th Dist.)
- Stand Energy Corp. v. Ruyan, 2005-Ohio-4846, ¶ 11 (1st Dist.)
- Woods v. Progressive Direct Ins. Co., 2018-Ohio-1867, ¶ 32 (6th Dist.)
- Zaperach v. Beaver, 6 Ohio App.3d 17, 19 (10th Dist. 1982)
- In re Sweeney, 276 B.R. 186, 194 (6th Cir. B.A.P. 2002)

- Seifert Technologies, Inc. v. CTI Engineers, Inc., 2010-Ohio-5917, ¶ 35 (5th Dist.)
- U.S. Bank Trust, N.A. v. Watson, 2020-Ohio-3412, ¶ 23 (3d Dist.)
- Schooler v. Combs, 2024-Ohio-2111, ¶ 13 (12th Dist.)
- Fonce v. Kabinier, 2023-Ohio-4027, ¶ 21 (11th Dist.)
- Kirshner v. Fannie Mae, 2012-Ohio-286, ¶ 15 (6th Dist.)
- Brandon v. Keaton, 90 Ohio App.3d 542, 544 (2d Dist. 1993)
- Deutsche Bank Natl. Trust Co. v. Vigue, 2017-Ohio-7037, ¶ 10 (10th Dist.)
- James B. Nutter & Co. v. Phillips, 2013-Ohio-184, ¶ 7 (2d Dist.)
- Weaver v. Bank of New York Mellon, 2012-Ohio-4373, ¶ 22 (10th Dist.)
- Ambrose v. Byrne, 61 Ohio St. 146, 157, 159-160 (1899)
- In re Jaber, 406 B.R. 756, 763 (Bankr. N.D. Ohio 2009)
- Arena Produce Co. v. McMillan, 27 Ohio App.3d 384, 385 (10th Dist.)
- Thevenin v. Day-Air Credit Union, Inc., 2025-Ohio-1488, ¶ 20 (2d Dist.)
- Lycan v. Cleveland, 2016-Ohio-422, ¶ 21