COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

UNIFUND CCR, L.L.C. v. House

2026-Ohio-2388 · No. L-25-00271 · Decided June 23, 2026

SUMMARY

The Ohio Sixth District Court of Appeals affirmed the denial of Preston House's motion to quash a non-wage garnishment arising from a 2020 default judgment in favor of UNIFUND CCR, LLC. The court held that garnishment proceedings cannot be used to relitigate the underlying debt and that Ohio law does not require a bank to delay removing funds during the period in which the debtor may request a garnishment hearing. The court also held that the trial court's attorney-fee decision was not properly before it because House lacked a timely notice of appeal.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Charles E. Sulek, J.; Thomas J. Osowik, P.J.; Myron C. Duhart, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	June 23, 2026
DOCKET	L-25-00271
DISPOSITION	affirmed
PROCEDURAL POSTURE	House appealed the denial of his motion to quash a non-wage garnishment arising from a 2020 default judgment. He also challenged the underlying debt and the trial court's attorney-fee ruling.
STANDARD OF REVIEW	The appellate court reviews a trial court's interpretation of the garnishment statutes de novo. It reviews the trial court's decision concerning the motion to quash for abuse of discretion and will not disturb factual determinations supported by the record.
PRECEDENTIAL VALUE	published
PARTIES	Preston House v. UNIFUND CCR, LLC

TOPICS

default judgment · due process · appellate jurisdiction · civil procedure · standard of review

PRACTICE AREAS

civil procedure · appellate procedure · judgment enforcement · consumer debt collection · constitutional due process

QUESTIONS PRESENTED

1. Whether House could use the garnishment proceedings to relitigate UNIFUND's standing, ownership of the underlying debt, evidentiary proof, or the amount of the default judgment.
2. Whether the trial court properly denied House's motion to quash where House received the statutory garnishment notice and hearing but claimed that the bank should have been prohibited from removing funds during the period in which he could request a hearing.
3. Whether the appellate court had jurisdiction to review the trial court's November 21, 2025 attorney-fee decision when House did not timely and properly appeal that decision.

HOLDINGS

1. A garnishment hearing is limited to claims of exemption or defenses to the garnishment itself; a judgment debtor may not use the proceeding to relitigate the underlying debt or default judgment.
2. A garnishee is not required by R.C. 2716.13(C)(1) to wait before removing money from a debtor's account during the period in which the debtor may request a garnishment hearing, so a garnishment cannot be quashed on that basis when the debtor received the required notice and hearing.
3. The appellate court lacked jurisdiction to review the trial court's attorney-fee decision because House did not properly appeal that decision within the time permitted by the appellate rules.

KEY QUOTATIONS

> *"The scope of a garnishment hearing is limited to the judgment debtor's claims of exemption or a defense to the garnishment itself."* (¶ 13)

> *""Garnishments are purely statutory proceedings, and a court can grant garnishment relief only in accordance with the terms and upon the grounds set forth in the garnishment statutes.""* (¶ 17)

> *"This court will not read requirements that do not exist into the statute."* (¶ 19)

> *"Absent a properly filed notice of appeal, an appellate court lacks jurisdiction to hear the appeal."* (¶ 23)

FACTUAL BACKGROUND

UNIFUND obtained a November 2020 default judgment against House for $17,321.18, plus five percent annual interest and costs, based on a defaulted credit-card account. In August 2025, UNIFUND filed a non-wage garnishment against funds in House's bank account, and notice and a request-for-hearing form were served on House. House moved to quash, asserting inadequate notice and a due-process violation, but he received a garnishment hearing and did not demonstrate prejudice or identify exempt funds.

PROCEDURAL HISTORY

UNIFUND sued House in 2020 on a defaulted credit-card account and obtained a default judgment for $17,321.18, plus interest and costs. In 2025, UNIFUND initiated a non-wage garnishment of House's bank account. After a garnishment hearing, the Lucas County Court of Common Pleas denied House's motion to quash. During the appeal, the appellate court remanded for resolution of UNIFUND's attorney-fee motion, but denied House's later motion to amend his notice of appeal to include the attorney-fee judgment. The appellate court affirmed the November 4, 2025 garnishment judgment.

DISPOSITION

affirmed

CASES CITED

- E. Liverpool v. Buckeye Water Dist., 2012-Ohio-2821, ¶ 34 (7th Dist.)
- Ashtabula Cty. Med. Ctr. v. Douglass, 1988 WL 59836, *1 (11th Dist. June 3, 1988)
- Rak-Ree Ents., Inc. v. Timmons, 2011-Ohio-1090, ¶ 16 (10th Dist.)
- Doss v. Thomas, 2009-Ohio-2275, ¶ 11 (10th Dist.)
- Rice v. Wheeling Dollar Sav. & Trust Co., 163 Ohio St. 606 (1955)
- Dyer v. Schwan’s Home Serv., Inc., 2017-Ohio-4139, ¶ 9 (10th Dist.)
- Broadmoor Ctr., LLC v. Dallin, 2016-Ohio-8541, ¶ 19 (10th Dist.)
- State v. Taft, 2019-Ohio-1565, ¶ 58 (6th Dist.)
- State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St.3d 58, 60 (1988)