

COURT OF APPEALS OF OHIO, FOURTH APPELLATE DISTRICT, PIKE
COUNTY

Nichols v. Nichols

2026-Ohio-1445 · No. 25CA937 · Decided April 8, 2026

SUMMARY

The Ohio Fourth District Court of Appeals reviewed an appeal from a post-divorce judgment addressing property distribution, service of a multi-branch motion, and denial of a continuance to obtain counsel. The court held that service was proper and that the trial court did not abuse its discretion in proceeding without granting a continuance. It further held that the trial court lacked jurisdiction to modify the prior property division in part, reversed the judgment in part, and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fourth Appellate District, Pike County
WRITING FOR THE COURT	Jason P. Smith, Presiding Judge; Hess, J.; Wilkin, J.
JURISDICTION	Ohio Court of Appeals, Fourth Appellate District, Pike County
DECIDED	April 8, 2026
DOCKET	25CA937
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Husband appealed the Pike County Court of Common Pleas, Domestic Relations Division's February 6, 2025 judgment resolving competing post-divorce motions concerning marital property, parenting time, and related matters.
STANDARD OF REVIEW	Service findings are reviewed for abuse of discretion. A trial court's decision on a continuance is reviewed for abuse of discretion; because Husband did not request a continuance or object at the hearing, the appellate court reviewed the issue for plain error. Jurisdictional determinations are reviewed de novo. Whether a divorce decree is ambiguous is also reviewed de novo, while clarification of an ambiguous decree is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Darrell L. Nichols, Jr. v. Melissa K. Nichols

TOPICS

equitable distribution

family law

service of process

appellate procedure

civil procedure

PRACTICE AREAS

family law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to assign new values to the Toyota Tacoma and Subaru Impreza and award the vehicles to Wife after the divorce decree ordered them sold.
2. Whether the trial court abused its discretion or committed plain error by proceeding with the motions hearing without granting Husband a continuance to obtain counsel.
3. Whether Wife's multi-branch motion was properly served on Husband.

HOLDINGS

1. The trial court did not abuse its discretion in finding that Husband was properly served because service at 2060 Schuster Road was reasonably calculated to reach him, and Husband also received the motion and participated in the proceedings.
2. The trial court did not abuse its discretion or commit plain error by proceeding with the hearing because Husband did not request a continuance or make an objection that would have alerted the court to the request, and he had received the motion nearly two months before the hearing.
3. After making an equitable division of marital property, the trial court may clarify and construe its decree but lacks jurisdiction to modify, vary, enlarge, or diminish the division. The trial court therefore impermissibly modified the decree by assigning new values to the Toyota Tacoma and Subaru Impreza and awarding the vehicles to Wife.

KEY QUOTATIONS

“Once a court has made an equitable property division, it has no jurisdiction to modify its decision.” (¶ 37)

“However, a court retains jurisdiction to “ ‘clarify and construe its original property division so as to effectuate its judgment.’ ” (¶ 37)

“In essence, a court may construe an ambiguous decree, but it must enforce an unambiguous one as it is written.” (¶ 40)

“As in Pierron, we find that the trial court impermissibly modified its prior order by assigning new values (accurate as they may be) and ordering that Wife take possession of the Subaru Impreza.” (¶ 49)

FACTUAL BACKGROUND

The parties' divorce decree divided their marital property and ordered thirteen vehicles and vehicle-related items, including a 2007 Toyota Tacoma and a 2005 Subaru Impreza, sold at auction or by private sale upon agreement, with proceeds divided equally. The vehicles were not sold. In response to Wife's post-divorce motion, the trial

court assigned new values to the Tacoma and Impreza and awarded the vehicles to Wife subject to her payment of one-half of those new values to Husband. Husband also challenged service of the motion and the trial court's refusal to continue the hearing so that he could obtain counsel.

PROCEDURAL HISTORY

The parties obtained a divorce decree in October 2023, followed by a nunc pro tunc judgment entry in November 2023 that divided marital property and ordered specified vehicles and equipment sold with proceeds divided equally. In November 2024, Wife filed a multi-branch motion, and Husband filed a contempt motion. After a January 17, 2025 hearing at which Husband appeared without counsel, the trial court granted portions of Wife's motion, including orders assigning new values to and redistributing two vehicles. Husband appealed, challenging jurisdiction, denial of a continuance, and service.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further proceedings consistent with the opinion concerning the disposition of the 2007 Toyota Tacoma and 2005 Subaru Impreza. The court may enforce the original decree but may not revalue or redistribute those vehicles contrary to the decree.

CASES CITED

- *Sears v. Sears*, 2022-Ohio-2898, ¶ 15 (4th Dist.)
- *Lawless v. Henderson*, 2025-Ohio- (12th Dist.)
- *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983)
- *Goodman v. Goodman*, 2021-Ohio-3169, ¶ 9 (4th Dist.)
- *Patel v. Lambrecht*, 2014-Ohio-2953, ¶¶ 20-21 (4th Dist.)
- *Parallel Homes, L.L.C. v. Stephens*, 2014-Ohio-840, ¶ 12 (1st Dist.)
- *Swander Ditch Landowners' Assn. v. Joint Bd. of Huron & Seneca Cty. Commrs.*, 51 Ohio St.3d 131, 134 (1990)
- *Akron-Canton Regional Airport Authority v. Swinehart*, 62 Ohio St.2d 403 (1980)
- *Price v. Combs*, 2016-Ohio-429, ¶ 22 (2d Dist.)
- *Toledo v. AH & TQ, Inc.*, 2023-Ohio-2790, ¶ 26 (6th Dist.)
- *State v. Hinton*, 2025-Ohio-2291, ¶ 18 (4th Dist.)
- *Ark Advanced Remediation, LLC v. Watson*, 2024-Ohio-2874, ¶ 28 (4th Dist.)
- *State v. Unger*, 67 Ohio St.2d 65 (1981)
- *Snyder v. Waldron*, 2013-Ohio-3416, ¶ 41 (4th Dist.)
- *State v. Dickess*, 2009-Ohio-4541, ¶ 9 (4th Dist.)
- *Fultz v. Fultz*, 2014-Ohio-3344, ¶¶ 17-18, 20 (4th Dist.)

- Sprouse v. Miller, 2008-Ohio-4384, ¶ 11 (4th Dist.)
- Schade v. Carnegie Body Co., 70 Ohio St.2d 207, 210 (1982)
- Goldfuss v. Davidson, 1997-Ohio-401
- State v. Sowders, 4 Ohio St.3d 143, 144 (1983)
- State v. Stevers, 2023-Ohio-3050, ¶ 21 (4th Dist.)
- State v. Dickens, 2009-Ohio-4541, ¶ 13 (4th Dist.)
- State v. Combs, 18 Ohio St.3d 123, 125 (1985)
- Hartt v. Munobe, 67 Ohio St.3d 3, 7 (1993)
- Enyart v. Taylor, 2013-Ohio-4893, ¶ 13 (4th Dist.)
- Sullivan v. Sullivan, 2010-Ohio-3064, ¶ 14 (6th Dist.)
- Swayne v. Newman, 131 Ohio App.3d 793, 795 (4th Dist. 1998)
- Danzig v. Biron, 2008-Ohio-209, ¶ 13 (4th Dist.)
- Martin v. Howard, 2009-Ohio-67, ¶ 7 (4th Dist.)
- Pierron v. Pierron, 2008-Ohio-1286, ¶¶ 6-10, 14 (4th Dist.)
- Knapp v. Knapp, 2005-Ohio-7105, ¶ 40 (4th Dist.)
- McKinley v. McKinley, 2000 WL 897994, *4 (4th Dist.)
- Pontious v. Pontious, 2011-Ohio-40, ¶ 11 (4th Dist.)
- Parsons v. Parsons, 1997 WL 473675, *2 (4th Dist.)
- Stewart v. Stewart, 1992 WL 388546, *2 (4th Dist.)
- Latino v. Woodpath Development Co., 57 Ohio St.3d 212, 214 (1991)
- Lewis v. Mathes, 2005-Ohio-1975, ¶ 19 (4th Dist.)
- Thomas v. Thomas, 2001 WL 422967, *5 (10th Dist.)
- Watson v. Highland Ridge Water and Sewer Assn., Inc., 2013-Ohio-1640, ¶ 17
- In re T.F., 2025-Ohio-5384, ¶ 20 (4th Dist.)
- Calvalry SPV 1, L.L.C. v. Furtado, 2005-Ohio-6884 (10th Dist.)