

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

Oasis Home Buyers, L.L.C. v. Estate of Robert J. Thomas et al.

2026-Ohio-487 · No. 30524 · Decided February 13, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed summary judgment against Oasis Home Buyers, LLC in its action seeking specific performance of a real-estate purchase contract after the seller’s death. The court held that Oasis was a creditor with a claim against the decedent’s estate under R.C. 2117.06 and therefore was required to present its claim within six months after the decedent’s death. Because Oasis failed to do so, its claim was barred.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Michael L. Tucker; P.J. Lewis; J. Huffman
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	February 13, 2026
DOCKET	30524
DISPOSITION	affirmed
PROCEDURAL POSTURE	Oasis appealed from a summary judgment entered in favor of Nicolaus and Noah Welz in an action seeking specific performance of a real-estate purchase contract.
STANDARD OF REVIEW	De novo review of summary judgment; the appellate court applies the same standard as the trial court and gives the trial court's decision no deference.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Oasis Home Buyers, L.L.C. v. Estate of Robert J. Thomas, Nicolaus Welz, Noah Welz

TOPICS

- specific performance real estate
- probate procedure
- contracts
- statutory interpretation
- appellate procedure

PRACTICE AREAS

contracts

real estate

probate

remedies

appellate procedure

QUESTIONS PRESENTED

1. Whether a purchaser seeking specific performance of a real-estate purchase contract from a deceased seller is a creditor with a claim against the seller's estate subject to the presentment requirements of R.C. 2117.06.
2. Whether summary judgment was properly entered against Oasis based on its failure to timely present its claim to the estate.

HOLDINGS

1. A purchaser seeking to enforce a real-estate purchase contract against a deceased seller has a right of action against the decedent and is a creditor with a claim against the estate, even though the claim is not a traditional monetary debt.
2. Summary judgment was proper because Oasis's failure to timely present its claim under R.C. 2117.06 barred its action for specific performance.

KEY QUOTATIONS

“Finally, the statute states, “[A] claim that is not presented within six months after the death of the decedent shall be forever barred as to all parties, including, but not limited to, devisees, legatees, and distributes.”” (¶ 10)

“But given the estate’s potential interest in the Commanche Drive real estate, Oasis’s right of action to enforce the sales contract made Oasis an estate creditor and triggered the presentment requirements of R.C. 2117.06.” (¶ 18)

FACTUAL BACKGROUND

Oasis entered into a contract with Robert J. Thomas on October 10, 2024, to purchase real estate at 2832 Comanche Drive in Kettering, Ohio. Thomas died intestate and unmarried before the transaction closed, leaving two sons, Nicolaus and Noah Welz. Oasis sought specific performance of the purchase contract but did not present a claim to Thomas's estate within six months of his death.

PROCEDURAL HISTORY

Oasis filed a complaint for specific performance after the seller, Robert J. Thomas, died before closing. The Welz brothers moved for summary judgment, arguing that Oasis had failed to present its claim to Thomas's estate within the period required by R.C. 2117.06. The trial court granted summary judgment to the Welz brothers, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Harless v. Willis Day Warehousing Co., 54 Ohio St.2d 64, 66 (1978)
- Norris v. Ohio Std. Oil Co., 70 Ohio St.2d 1, 2 (1982)
- GNFH, Inc. v. W. Am. Ins. Co., 2007-Ohio-2722, ¶ 16 (2d Dist.)
- Northeast Ohio Apt. Assn. v. Cuyahoga Cty. Bd. of Commrs., 121 Ohio App.3d 188, 192 (8th Dist.)
- Raber v. Seiberling, 1981 WL 4027 (9th Dist. June 17, 1981)
- Pierce v. Johnson, 136 Ohio St. 95, 97, 99-100 (1939)
- Hackmann v. Dawley, 105 Ohio App.3d 363, 365-368 (10th Dist. 1995)
- Clark v. Beyoglides, 2021-Ohio-4588, ¶¶ 30-34 (2d Dist.)
- Wells Fargo Bank, N.A. v. Doe(s), 2023-Ohio-1405, ¶ 15 (2d Dist.)
- Apostolakos v. Panagouleas, 2002-Ohio-2166, *2 (2d Dist.)
- Embassy Healthcare v. Bell, 2018-Ohio-4912, ¶¶ 28-29

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-second-appellate-district-montgomery-county-court-of-appeals-of-ohio-second-ap/2026/oasis-home-buyers-l-l-c-v-estate-of-robert-j-thomas-et-al-fy15lqyo>