

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Telhio Credit Union v. Byrd

2026-Ohio-2273 · No. 25AP-425 · Decided June 16, 2026

SUMMARY

The Ohio Tenth District Court of Appeals dismissed Tierra Byrd’s appeal from the denial of her Civ.R. 60(B) motion for relief from judgment. The court held that Byrd’s assignments of error challenged the earlier summary judgment rather than the denial of her motion for relief, and that a Civ.R. 60(B) motion cannot substitute for a direct appeal. Because Byrd did not timely appeal the summary judgment, the court concluded that it lacked jurisdiction to address her arguments.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Boggs, P.J.; Edelstein, J.; Dingus, J.                                                                                                                                                                                                                   |
| JURISDICTION          | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                          |
| DECIDED               | June 16, 2026                                                                                                                                                                                                                                            |
| DOCKET                | 25AP-425                                                                                                                                                                                                                                                 |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Byrd appealed the Franklin County Municipal Court's denial of her Civ.R. 60(B) motion for relief from judgment. Her assignments of error challenged the trial court's earlier grant of summary judgment rather than the denial of her motion for relief. |
| STANDARD OF REVIEW    | The court did not reach the merits of the assignments of error because it concluded that it lacked jurisdiction to review the challenged summary-judgment ruling in this appeal.                                                                         |
| PRECEDENTIAL VALUE    | Published Ohio Court of Appeals opinion                                                                                                                                                                                                                  |
| PARTIES               | Tierra Byrd v. Telhio Credit Union                                                                                                                                                                                                                       |

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- civil procedure
- default

PRACTICE AREAS

- appellate procedure
- civil procedure
- consumer credit litigation

## QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review alleged errors in the trial court's April 18, 2024 summary-judgment order when Byrd appealed only the May 8, 2025 denial of her Civ.R. 60(B) motion.
2. Whether a motion for relief from judgment may be used as a substitute for a direct appeal from the judgment being challenged.

## HOLDINGS

1. The appellate court lacked jurisdiction to address Byrd's assignments of error because they challenged the earlier summary-judgment order rather than the order denying her Civ.R. 60(B) motion.

## KEY QUOTATIONS

*“a motion for relief from judgment is not a substitute for a direct appeal from the judgment challenged.”* (¶ 12)

*“do indirectly what it cannot do directly.”* (¶ 12)

## FACTUAL BACKGROUND

Telhio alleged that Byrd defaulted on a loan used to purchase a 2008 Jeep Liberty, causing damages of \$8,346.67. After an initial default judgment was vacated because Byrd asserted she had not been personally served at her actual address, the trial court granted Telhio summary judgment following renewed service and litigation. Byrd later sought relief under Civ.R. 60(B), raising alleged deficiencies in the debt calculation, statutory violations, and the repossession, but her appeal challenged the prior summary judgment rather than the denial of Civ.R. 60(B) relief.

## PROCEDURAL HISTORY

Telhio sued Byrd in 2015 concerning an alleged debt arising from the purchase of a 2008 Jeep Liberty and obtained default judgment after Byrd failed to answer. The trial court later vacated the default judgment for lack of personal service, and after renewed service and pleadings, granted Telhio summary judgment in April 2024. Byrd did not directly appeal that judgment; instead, she filed a Civ.R. 60(B) motion, which the trial court denied on May 8, 2025. The Court of Appeals dismissed her appeal because her assignments of error challenged the earlier summary judgment rather than the order denying Civ.R. 60(B) relief.

## DISPOSITION

dismissed

## CASES CITED

- Suon v. Mong, 2018-Ohio-4187, ¶ 15 (10th Dist.)
- Colley v. Bazell, 61 Ohio St.2d 243, 245 (1980)
- Bosco v. Euclid, 38 Ohio App.2d 40 (8th Dist.)
- Town & Country Drive-In Shopping Ctrs, Inc. v. Abraham, 46 Ohio App.2d 262 (10th Dist.)

- Shoemaker Funeral Home v. Furtado, 1988 Ohio App. LEXIS 3614, \*6 (10th Dist. Sept. 1, 1988)
- Arbogast v. Werley, 2008-Ohio-1555, ¶ 11 (6th Dist.)

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