**COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, HANCOCK COUNTY**

# Young v. Young

2026-Ohio-883 · No. 5-24-52 · Decided March 16, 2026

## SUMMARY

The Ohio Third District Court of Appeals reviews a divorce judgment involving classification and division of retirement accounts and a marital residence, child-support overpayment, spousal support, appraisal evidence, property-sale procedures, and costs associated with the residence. The court holds that retirement-account contributions made after the decree of legal separation were separate property and remands for recalculation, while rejecting the remaining challenged issues in the presented portion of the opinion. The judgment is affirmed in part, reversed in part, and remanded.

## CASE DETAILS

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| COURT | Court of Appeals of Ohio, Third Appellate District, Hancock County |
| WRITING FOR THE COURT | John R. Willamowski; William R. Zimmerman; Juergen A. Waldick |
| JURISDICTION | Ohio Court of Appeals, Third Appellate District, Hancock County |
| DECIDED | March 16, 2026 |
| DOCKET | 5-24-52 |
| DISPOSITION | reversed_and_remanded |
| PROCEDURAL POSTURE | Both parties appealed the Hancock County Court of Common Pleas, Domestic Relations Division, divorce decree. Sean challenged the classification and division of property, child-support emancipation, valuation evidence, spousal support, sale of the marital residence, and household expenses. Toni cross-appealed the exclusion of her appraisal evidence, the equalization payment, spousal support, and allocation of guardian ad litem fees. |
| STANDARD OF REVIEW | Classification of property as marital or separate is reviewed under the manifest-weight-of-the-evidence standard. Decisions concerning child-support overpayments, discovery sanctions, spousal-support awards, appointment of a receiver, contempt enforcement, and allocation of guardian ad litem fees and costs are reviewed for abuse of discretion. |
| PRECEDENTIAL VALUE | published |

**PARTIES** Sean D. Young v. Toni R. Young

## TOPICS

dissolution of marriage · equitable distribution · spousal support · child support · appellate procedure

## PRACTICE AREAS

family law · divorce · property division · spousal support · child support · appellate procedure · evidence

## QUESTIONS PRESENTED

1. Whether retirement-account contributions made after the 2017 legal-separation order were separate rather than marital property.
2. Whether the trial court properly classified the marital residence and accounted for post-separation payments on its associated debts.
3. Whether Sean established an overpayment of child support beginning when the child turned eighteen.
4. Whether the trial court abused its discretion in excluding most of Toni's appraiser's report and testimony as a discovery sanction.
5. Whether the trial court properly valued the marital residence using the revised valuation of Sean's appraiser.
6. Whether the spousal-support award should be revisited after reversal of the property division.
7. Whether the trial court abused its discretion by declining to appoint a receiver to administer sale of the marital residence.
8. Whether Sean was required to reimburse Toni for propane expenses and water-system debt under the incorporated separation agreement.
9. Whether the equalization payment should be revisited after correction of the property classification.
10. Whether the allocation of guardian ad litem fees and court costs was an abuse of discretion.

## HOLDINGS

1. Under R.C. 3105.171(A)(6)(a)(iv), interests in retirement accounts acquired through contributions made after a decree of legal separation are the contributing spouse's separate property. The trial court erred by classifying contributions made between the July 18, 2017 separation order and the divorce filing as marital property.
2. The trial court did not err in classifying the jointly owned marital residence as marital property or in declining to award Sean a greater separate-property share based on his post-separation debt payments.
3. Sean failed to establish that his child-support obligation for A. ended at age eighteen or that payments after that date constituted an overpayment. The trial court reasonably used A.'s nineteenth birthday as the earliest date conclusively established by the record.

4. The trial court did not abuse its discretion by excluding most of Toni's appraiser's report and testimony while admitting the interior photographs and related testimony.
5. The spousal-support award must be reconsidered after the trial court revises the classification and division of the retirement accounts.
6. The trial court did not abuse its discretion by declining to provide for appointment of a receiver to administer the sale of the marital residence.
7. The trial court properly ordered Sean to reimburse Toni for the propane expense because the incorporated separation agreement assigned that obligation to him, but it erred in allocating the Water Solutions debt without determining which portion accrued after the separation agreement became effective.
8. The equalization payment must be reconsidered after the trial court corrects the classification and division of the retirement accounts.
9. The trial court did not abuse its discretion by effectively allocating one-half of the guardian ad litem fees and court costs to each party, including by requiring Toni to pay the first $420 in court costs after Sean's deposit paid the guardian ad litem fees.

## KEY QUOTATIONS

> *"Based on this language, we conclude that the interests in these retirement accounts that Sean acquired through the contributions that he made after the order of legal separation was issued on July 18, 2017 were his separate property."* (¶ 26)

> *"The trial court must then "impose the least severe sanction that is consistent with the purpose of the rules of discovery.""* (¶ 43)

> *"However, once a trial court incorporates a separation agreement into a decree, "the separation agreement is superseded by the decree, and the obligations imposed are not those imposed by contract, but are those imposed by decree, and enforceable as such.""* (¶ 71)

## FACTUAL BACKGROUND

Sean and Toni married in 1990 and entered a legal-separation order in 2017 that incorporated a separation agreement but did not divide the marital residence or several retirement accounts. Sean later contributed to existing retirement accounts and opened additional accounts after the separation order. In the divorce proceeding, the trial court valued the marital residence at $301,000, awarded it to Toni subject to refinancing or sale, ordered an equalization payment, and awarded limited spousal support. The parties also disputed child-support emancipation, expenses for the marital residence, appraisal evidence, and guardian ad litem fees.

## PROCEDURAL HISTORY

The parties obtained a legal separation in Hardin County in 2017 under a separation agreement incorporated into the separation order. Sean filed for divorce in Hancock County in December 2022; the Hardin County matter was transferred and consolidated with the Hancock County case in August 2023. After a magistrate's final-hearing decision, the trial court overruled the parties' objections and entered a divorce decree on November 27,

2024. The appellate court affirmed in part, reversed in part, and remanded for recalculation and further proceedings.

### DISPOSITION

reversed_and_remanded

### REMAND INSTRUCTIONS

The trial court must identify and classify as Sean's separate property the retirement-account contributions made after July 18, 2017, classify pre-July 18, 2017 contributions and related marital appreciation as marital property, and redistribute the accounts. It must reconsider the equalization payment and spousal-support award in light of the revised property division. It must determine what portion of the Water Solutions debt accrued after the separation agreement became effective in 2017 and reallocate that debt. The remaining portions of the judgment were affirmed.

### CASES CITED

- Worden v. Worden, 2017-Ohio-8019 (3d Dist.)
- Freytag v. Freytag, 2024-Ohio-2403 (3d Dist.)
- Sweet v. Sweet, 2023-Ohio-548 (2d Dist.)
- Dario v. Colliver, 2011-Ohio-4342 (12th Dist.)
- Dietrich v. Dietrich, 2010-Ohio-3608 (8th Dist.)
- Sandel v. Choma, 2017-Ohio-8301 (9th Dist.)
- Hubbard v. Hubbard, 2009-Ohio-2194 (3d Dist.)
- Pelger v. Pelger, 2019-Ohio-1280 (3d Dist.)
- Welly v. Welly, 2015-Ohio-4804 (3d Dist.)
- Black v. Hicks, 2020-Ohio-3976 (8th Dist.)
- Savage v. Correlated Health Servs., 64 Ohio St.3d 42, 55 (1992)
- Gebi v. Worku, 2017-Ohio-8462 (10th Dist.)
- Russo v. Goodyear Tire & Rubber Co., 36 Ohio App.3d 175, 178 (9th Dist. 1987)
- Cap. One, N.A. v. Jones, 2026-Ohio-62 (3d Dist.)
- Miller v. Miller, 2025-Ohio-1923 (5th Dist.)
- Fordyce v. Fordyce, 2011-Ohio-3406 (7th Dist.)
- Herman v. Herman, 2021-Ohio-3876 (3d Dist.)
- O'Rourke v. O'Rourke, 2010-Ohio-1243 (4th Dist.)
- Koeblitz v. Koeblitz, 2021-Ohio-2269 (8th Dist.)
- State ex rel. Celebrezze, 60 Ohio St.3d 69 n.4 (1991)
- Jardine v. Jardine, 2022-Ohio-1754 (8th Dist.)
- Solomon v. Solomon, 2022-Ohio-2262 (8th Dist.)

- Jones v. Jones, 2008-Ohio-6069 (3d Dist.)
- Ross v. Ross, 2020-Ohio-5237 (11th Dist.)
- Holloway v. Holloway, 130 Ohio St. 214, 216 (1935)
- C.B. v. B.B., 2025-Ohio-2219 (8th Dist.)
- Hans v. Stedman, 2005-Ohio-4819 (10th Dist.)
- Starr v. Starr, 2025-Ohio-5788 (3d Dist.)
- Burge v. Burge, 2016-Ohio-4658 (7th Dist.)
- Kesler v. Kesler, 2018-Ohio-5059 (3d Dist.)
- Devito v. Devito, 2024-Ohio-2234 (1st Dist.)
- Stewart v. Stewart, 2025-Ohio-1635 (1st Dist.)
- Hitchcock v. Hitchcock, 2025-Ohio-2668 (5th Dist.)
- Ehrmantrout v. Ehrmantrout, 2024-Ohio-1328 (3d Dist.)
- Strauss v. Strauss, 2011-Ohio-3831 (8th Dist.)