

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

Weese v. Dalton

2026-Ohio-796 (Ohio Ct. App. 5th Dist. 2026) · No. 25 CA 000012 · Decided March 9, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio granted Christina Dalton’s application for reconsideration of its prior decision concerning William Weese’s judgment lien and foreclosure efforts. The court held that Weese’s lien attached only to Charles Dalton’s former undivided one-half interest in the property, and that Christina Dalton’s statutory homestead exemption exceeded the lien amount. The court vacated conflicting portions of its February 13, 2026 opinion and affirmed the trial court’s May 1, 2025 judgment barring foreclosure at that time.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	David M. Gormley; William B. Hoffman; Andrew J. King
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Guernsey County
DECIDED	March 9, 2026
DOCKET	25 CA 000012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed the Guernsey County Court of Common Pleas' judgment in a foreclosure action. The Fifth District granted the defendant's application for reconsideration of its prior opinion and affirmed the trial court's judgment barring the foreclosure.
STANDARD OF REVIEW	Appellate review of an application for reconsideration under Ohio Appellate Rule 26(A); the opinion does not state a separate standard of review.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	William Weese v. Christina Dalton, Charles W. Dalton III, et al.

TOPICS

- appellate procedure
- foreclosure
- homestead
- title disputes
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should reconsider its prior decision concerning the interaction between Christina Dalton's statutory homestead exemption and Weese's judgment lien.
2. Whether a judgment lien filed when the judgment debtor owned only an undivided one-half interest in real property attaches to the entire property or only to the debtor's one-half interest.
3. Whether Christina Dalton's homestead exemption exceeds the amount of Weese's lien so as to bar foreclosure.

HOLDINGS

1. A judgment lien attaches only to the interest in real property actually owned by the judgment debtor when the certificate of judgment is filed; because Charles Dalton owned only an undivided one-half interest at that time, Weese's lien attached only to that one-half interest.
2. Foreclosure is barred where the debtor's statutory homestead exemption exceeds the amount of the judgment lien attached to the debtor's interest in the property.
3. Christina Dalton's application for reconsideration was granted, and the portions of the court's February 13, 2026 opinion that conflicted with the corrected lien analysis were vacated.

KEY QUOTATIONS

“Because, when Weese filed his certificate of judgment in Guernsey County in 2018, Charles owned not the entire property but instead an undivided one-half interest in it, we now understand that Weese’s lien attached at that point solely to Charles’s half interest rather than to the entire property.” (¶ 8)

“Because Christina Dalton’s statutory homestead exemption of \$182,625 exceeds the amount of that lien, we now acknowledge that the trial court correctly found that Weese cannot proceed with his foreclosure efforts now.” (¶ 10)

FACTUAL BACKGROUND

William Weese obtained a judgment of approximately \$88,000 plus interest against Charles Dalton and filed the certificate of judgment in Guernsey County in 2018, when Charles owned an undivided one-half interest in the property. Charles died in 2020, and his interest passed to his widow, Christina Dalton, who became the sole owner and continued to reside in the home. The property was appraised at \$189,000, while Christina's statutory homestead exemption was \$182,625. The appellate court concluded on reconsideration that Weese's lien attached only to Charles's former one-half interest, valued at no more than \$94,500, and therefore was fully exceeded by the homestead exemption.

PROCEDURAL HISTORY

Weese obtained a judgment against Charles Dalton and filed a certificate of judgment in Guernsey County. After Charles died, his undivided one-half interest in the property passed to his widow, Christina Dalton, who resided there. The trial court ruled that Christina's homestead exemption prevented Weese from proceeding with foreclosure. The appellate court initially reached a contrary conclusion, but on reconsideration granted Christina's application, vacated the conflicting portions of its prior opinion, and affirmed the trial court's May 1, 2025 judgment.

DISPOSITION

affirmed

CASES CITED

- Weese v. Dalton, 2026-Ohio-537 (5th Dist.)
- Deutsche Bank Natl. Trust Co. v. Boswell, 2011-Ohio-673, ¶ 31 (1st Dist.)
- Society Natl. Bank v. Repasky, 2000-Ohio-2646 (7th Dist.)
- Melville v. Small, 1999 WL 1069766, *2 (3d Dist. Nov. 1, 1999)
- Natl. City Bank NW v. Ledgard, 1995 WL 557317, *4 (6th Dist. Sept. 22, 1995)
- Beneficial Mtge. Co. of Ohio v. Amodeo, 1989 WL 86284, *2 (9th Dist. Aug. 2, 1989)
- Miller v. Albright, 60 Ohio St. 48, 51 (1899)