

[Cite as *Forman v. Forman*, 2006-Ohio-11.]

**COURT OF APPEALS  
THIRD APPELLATE DISTRICT  
MARION COUNTY**

**EVELYN D. FORMAN, NKA RATLIFF**

**CASE NUMBER 9-05-14**

**PLAINTIFF-APPELLEE**

**v.**

**O P I N I O N**

**SCOTT A. FORMAN**

**DEFENDANT-APPELLANT**

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**CHARACTER OF PROCEEDINGS: Civil Appeal from Common Pleas  
Court, Domestic Relations Division.**

**JUDGMENT: Appeal dismissed.**

**DATE OF JUDGMENT ENTRY: January 3, 2006**

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**ATTORNEYS:**

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For Appellant.**

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For Appellee.**

**Bryant, J.**

{¶1} Defendant-appellant Scott A. Forman (“Forman”) brings this appeal from the judgment of the Court of Common Pleas of Marion County, Domestic Relations Division granting the motion of plaintiff-appellee Evelyn D. Forman, nka Ratliff (“Ratliff”) for relief from judgment.

{¶2} Forman and Ratliff were married on July 7, 1984, and were granted a divorce on January 16, 2003. On January 14, 2004, Ratliff filed a Rule 60(B) motion for relief from judgment asking the trial court to add the terms “reservation of judgment” due to potential legislative changes that may occur with the pension plan in which Forman participates. An evidentiary hearing was held on the matter on February 8, 2005. The trial court granted Ratliff’s motion on March 25, 2005. Forman appeals from this judgment and makes the following assignments of error.

**The trial court erred to the prejudice of [Forman] by granting [Ratliff’s] 60(B) motion [which] was not timely filed.**

**The trial court erred to the prejudice of [Forman] by granting [Ratliff’s] motion because the terms of the divorce decree were not ambiguous.**

**The trial court erred to the prejudice of [Forman] by granting [Ratliff’s] motion because the court lacked jurisdiction to modify the division of property.**

**The trial court erred to the prejudice of [Forman] by granting [Ratliff’s] motion because the resulting property division was inequitable.**

{¶3} A review of the record reveals that no division of property order has been entered to date.

**A review of the case law reveals the general consensus that a judgment apportioning pension benefits between ex-spouses is not a final and appealable order until such time as the QDRO is entered. \* \* \* The bottom line is that there is more to be done in the trial court, that being the issuance of a QDRO made in compliance with federal law. Consequently, until the QDRO is issued, the judgment of the trial court cannot be considered final and appealable because it cannot be said to yet affect a substantial right.**

*Scott v. Scott*, 3<sup>rd</sup> Dist. No. 1-99-79, 2000-Ohio-1636, ¶8. Without the submission to and approval by the judge of a division of property order, the order is not final. Thus, the Civ.R. 60 motion was premature as is this appeal from the granting of that motion. This court is without jurisdiction to do other than dismiss the appeal. *Id.* at ¶11.

{¶4} The appeal is hereby dismissed, and the cause remanded to the trial court for determination and disposition of the issues outstanding in this case.

***Appeal dismissed.***

**CUPP, P.J., and SHAW, J., concur.**

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