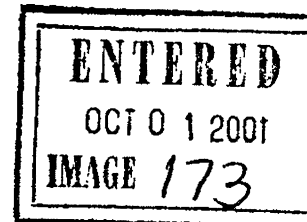


HAMILTON COUNTY MUNICIPAL COURT
HAMILTON COUNTY, OHIO



ELIZABETH WEE, d/b/a COLERAIN : Case No. 01 CV 15817
WOODS APARTMENTS, :
 :
Plaintiff, : JUDGE MALLORY
 :
-vs- :
 : ENTRY DISMISSING PLAINTIFF'S
SARA LAWRENCE, : CLAIMS
 :
Defendant.

This matter came on for hearing on September 19, 2001 on Defendant's Motion for Summary Judgement, which was filed with the Court and served on Plaintiff on July 25, 2001. The Court will treat Defendant's Motion as a Motion to Dismiss; Defendant's arguments are well taken and Plaintiff's claims are dismissed for the following reasons:

1. The named Plaintiff, "Elizabeth Wee, d/b/a Colerain Woods Apartments," constitutes an unregistered fictitious name. The name "Colerain Woods Apartments" is not registered with the Secretary of State of Ohio. Therefore, the Complaint must be dismissed pursuant to Ohio Revised Code Section §1329.10 (B).

2. The record title owner of the property from which Plaintiff seeks to evict Defendant is a limited liability corporation named "Colerain Wee, LLC." The named Plaintiff is not the owner of the property. Moreover, the named Plaintiff is not an attorney. As a limited liability corporation, the record title owner of the property has attributes of both corporations and partnerships under Ohio law. Partnerships cannot bring or defend Actions in Ohio without being represented by an attorney. *Hicks Roofing Co. Inc. v Shah, Shah & Patel Investment Co.*, unrep'd., 1989 WL 63323 (Ohio App 5th District, May 16, 1989). Likewise, a corporation cannot


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appear in Court other than through an attorney. *Sheraton Mobile Village Inc. v Larsen* (1992), 78 Ohio App. 3d 203, 604 NE 2d 217. Plaintiff in this case is not an attorney and therefore, cannot bring this action on behalf of the limited liability corporation which owns the property at issue in this case. Therefore, the Complaint must be dismissed.

3. Plaintiff's claims are hereby dismissed, without prejudice, costs to Plaintiff. ~~The Court's bond order dated July 24, 2001 requiring Defendant to pay rent into Court is hereby vacated and dissolved. All funds held by the Clerk of Courts shall be returned forthwith to Defendant or Defendant's counsel, Edward E. Santen.~~ Defendant's counterclaim remains pending until adjudicated by the Court or withdrawn by Defendant.

THIS CASE IS NEXT SET ON THE COURT'S DOCKET ON MONDAY, OCTOBER 22, 2001 AT 1:30 P.M. FOR TRIAL IN ROOM 240 OF THE HAMILTON COUNTY MUNICIPAL COURT. ^{OR counterclaim}

Judge Mallory


Edward E. Santen
Supreme Court No. 0040846
Attorney for Defendant
LEGAL AID SOCIETY OF GREATER CINCINNATI
215 East Ninth St., Suite 200
Cincinnati, Ohio 45202
(513) 241-9400

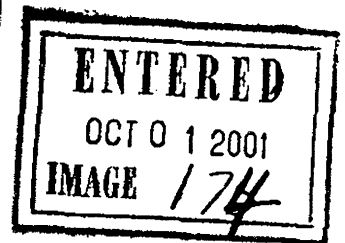


IMAGE # 174