

IN THE CANTON MUNICIPAL COURT
STARK COUNTY, OHIO

SUE L. BELCH,

CASE NO. 96 CVG 5839

Plaintiff,

vs.

JUDGMENT ENTRY

DONNA WITTS AND
DENVER TURNER II,

Defendants.

This cause came on for hearing on the objection of the Defendant to the Report of the Referee/Magistrate. On November 12, 1996 in Canton Municipal Court Case No. 96-CVG-5103 the Magistrate denied the Writ of Restitution of the property. This Order was approved by the Court on November 18, 1996. Defendants were verbally advised of the Magistrate's ruling at the November 12, 1996 hearing. On November 18, 1996, defendants tendered to the plaintiff the back rent which was refused by plaintiff.

Defendant must be granted a reasonable opportunity to tender current rent payments after the dismissal of a prior forcible entry and detainer before a new action for non-payment can be initiated.

In the instant action, rent was tendered six days after the Magistrate's Report and the same date as the Court approved this report.

The Court finds that the six day period for tendering

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the rent was reasonable. (See Case No. 91-CVG-30291, Gloria
Mazzarella, Executrix vs. Forestine McGinnes, Cleveland
Municipal Court)

The Objection to the Magistrate's Report is SUSTAINED.
Defendants to tender all back rent no later than January 6,
1997. Writ of Restitution denied.

Date: December 30, 1996



JUDGE MARY A FALVEY
CANTON MUNICIPAL COURT

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1997 JAN 13 10:10 AM

cc: Sue L. Belch, Plaintiff
Jonathan E. Morris, Counsel for Defendants