

FILED

IN THE MARIETTA MUNICIPAL COURT  
WASHINGTON COUNTY, OHIO

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Municipal Court  
Marietta, Ohio

CRAIG NICHOLS	:	
DBA C.A. NICHOLS	:	
DEVELOPMENT	:	Case No. 00 CVG 1022
Plaintiff	:	DECISION AND ENTRY
vs	:	
VALERIE MALONE, ET AL	:	
Defendants	:	

This matter came on for hearing on November 2, 2001. Present and appearing for the Plaintiff was Attorney John Halliday. Present and appearing with Defendant Valerie Malone was Attorney Dennis Harrington. Defendant Frederick E. Malone appeared pro se. Evidence was adduced. The matter was recessed and continued to November 6, 2001. The case was tried to its conclusion. This case was consolidated for trial with Case No. 00CVF159. The Court hereby renders its decision.

The Court finds that the Plaintiff is the owner of a manufactured home park as defined in Chapter 3733 of the Ohio Revised Code. The Plaintiff did not offer Defendants a lease agreement as required under Chapter 3733.11 of the Ohio Revised Code.

The Defendants became delinquent in payment of their rent. The Court finds that Plaintiff became entitled to a writ of restitution accruing August 20, 2000. Defendants have subsequently vacated the premises effective July, 2001.

The Court finds Plaintiff is entitled to unpaid rent in the amount of \$2,700.00 from January 1, 2000 through June, 2001, less six payments made through this Court while this action has been pending in a total amount of \$900.00.

The Court finds that both parties have claimed damages for the repair of a water leak on the premises. The Court finds that the water pressure loss in the manufactured home park occurs primary as a result of a leak in the Plaintiff's supply line. Plaintiff and Defendant both incurred costs for repair after the date that Plaintiff's writ of restitution of the premises occurred. There were leaks attributable to the Plaintiff's line failure and Defendant Valerie Malone's supply lines under her mobile home. Both are responsible for costs incurred to make the repairs. The Court will not award a judgment to either party on the complaint or counterclaim as related to the repair of the water problems.

Both parties have claimed damages as a result of costs incurred to restore Defendant's electric service. The Court finds that the Defendant lost electric service due to her failure to pay her electric utility bill. When she acquired funds to pay her delinquent electric bill and have her electricity turned on, she was required to have an inspection. As a result of that inspection, it was determined that the electric service that the Plaintiff was required to provide to the mobile home was defective in that it had improper wiring from the meter to the mobile home, as well as an improper supply line from the electric pole to the electric meter. In order to have the service restored, Defendant Valerie Malone incurred the cost of \$800.00 paid to electrician David Fisher for services to make the necessary repairs, as well as a payment of \$85.90 made for parts. The Court finds that the Defendant Valerie Malone is entitled to a judgment against Plaintiff for the total sum of \$885.90. The Court finds that Defendant is not entitled to recovery of any expenses incurred for inspection fees as the inspection was necessitated due to her failure to pay her electric bill.

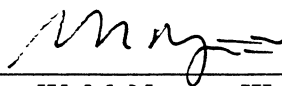
Defendant Valerie Malone has asserted in her counterclaim that Plaintiff engaged in telephone harassment and was malicious and/or reckless in regard to her rights. The Court finds that Plaintiff did, indeed, act with reckless indifference to the rights of Defendant Valerie Malone in

regard to his treatment of her as a tenant. The Court hereby awards the Defendant Valerie Malone on her counterclaim compensatory damages in the amount of \$100.00, plus punitive damages in the amount of \$1,000.00 on this claim.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff shall receive judgment against Defendants, Valerie Malone and Frederick E. Malone, jointly and severally in the amount of \$1,800.00 plus interest thereon at rate of ten percent per annum, plus costs of this action on his complaint.

The Court hereby awards Defendant Valerie Malone a judgment in the amount of \$985.90 as compensatory damages against Plaintiff Craig Nichols and \$1,000.00 punitive damages against Plaintiff Craig Nichols, plus interest thereon at a rate of ten percent per annum from date of judgment and costs of her counterclaim.

SO ORDERED:

  
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Hon. W. M. Nuzum, III, Judge

WMN/jm  
00cvg1022

cc: John Halliday  
Counsel for Plaintiff

Dennis Harrington  
Counsel for Defendant,  
Valerie Malone

Frederick E. Malone  
Defendant