

IN THE MUNICIPAL COURT OF AKRON
SUMMIT COUNTY, OHIO

July 17 1 23 PM '01
CLERK COURT

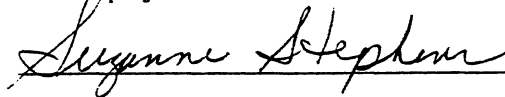
Laraine Porter, Successor Trustee)
) CASE NO. 01 CVG 3616
)
) Plaintiff)
)
 V.) Magistrate: Suzanne Stephens
)
)
)
 Nancy Mosher & Occupants)
) MAGISTRATE'S DECISION WITH
) FINDINGS OF FACT AND CONCLUSION
) OF LAW
)

This cause came to be heard before Magistrate Suzanne Stephens on May 14, 2001. Plaintiff failed to appear in court. Defendant was present with counsel.

Defendant, in a motion to dismiss, raised the issue of whether plaintiff, as successor trustee may bring an action in forcible entry and detainer without representation by an attorney at law. This same issue was raised in **Porter v. Myles**, Akron Municipal Court Case No. 01 CVG 3344. In that case this determined that the plaintiff could not file a claim as successor trustee without representation by an attorney at law. At the May 14, 2001 hearing, the first cause of action was dismissed because plaintiff failed to appear in court. A representative of the plaintiff's was present at that hearing. Defendant further asked for a motion for leave to plead on the second cause of action.

Since plaintiff cannot bring this cause of action without representation by an attorney at law, the second cause of action is dismissed without prejudice. Therefore, the request for a leave to plead is denied.

The entire cause of action is dismissed without prejudice.



Magistrate Suzanne Stephens

- cc: Attorney for Plaintiff
- ✓ Attorney for Defendant
- ✓ Plaintiff
- ✓ Defendant