

IN THE MUNICIPAL COURT OF AKRON  
SUMMIT COUNTY, OHIO

LAWAMI CORP.

PLAINTIFF

v.

DEREK BRIGGS AND/OR Occ.

DEFENDANT

) CASE NO. 2001 CVG 9454  
)  
)  
) MAGISTRATE'S DECISION  
) WITH FINDINGS OF FACT  
) AND CONCLUSIONS OF LAW

REC 5 1 24 PM '01  
AKRON MUNICIPAL COURT  
CLERK

The following facts were determined:

1) This case was set for hearing before the Magistrate on the 31st day of October, 2001. The Plaintiff was (was not) in court with (by) counsel. The Defendant was (was not) in court with (by) counsel.

2) Plaintiff was not found to have a possessory interest in the premises as set forth in the complaint, as owner/lessor/lessee's agent for: 2511 Church Street, Lakemore, OH, other: \_\_\_\_\_.

3) Tenancy pursuant to (lease) (Section 8 lease) (month to month) (other): \_\_\_\_\_. Rent per month is \$278.00 (\$70.00 tenant) Rent last received on \_\_\_\_\_ for \_\_\_\_\_. Rent is due on \_\_\_\_\_ of each month.

4) A lawful statutory notice was not properly served on the Defendant(s) on October 2, 2001, which was not at least three (3) days before the complaint was filed. ( ) (hand delivered) ( ) (certified mail) ( ) (posting at premise) ( ) (copy served on AMHA).

5) Facts entitling (plaintiff) (defendant) to judgment: Plaintiff alleges Sec.10 (a)(4) "other good cause" covers his 3 day notice. However his 3 day notice lists "lease termination" as the reason and not sale of premises. The Court finds "lease termination fails to meet the test of specificity required by 24 CFR 982.310(c). Accordingly the Court finds plaintiff's notice null and void.

It is the decision of the Magistrate that a writ NOT BE allowed. It is my further decision that the second cause be continued.

*Thomas F. Lynett*  
MAGISTRATE

Thomas F. Lynett

REC 5 1 24 PM '01  
FILED  
MUNICIPAL COURT  
CLERK

JUDGMENT ENTRY

The decision of the Magistrate is approved. It is the judgment of the Court that a writ of restitution MAY NOT issue. Costs to be paid by the (plaintiff) (defendant).

November 29, 2001

DATE

*[Signature]*  
JUDGE