

IN THE FRANKLIN COUNTY MUNICIPAL COURT

EVICTION COURT

FRANKLIN COUNTY  
MUNICIPAL COURT  
PAUL M. HERBERT, CLERK

2002 NOV -7 PM 6:19

FILED

THE HESSENAUER CORPORATION :

PLAINTIFF, :

AND, :

MCMS PROPERTIES, :

VS. :

CASE NO. 2002CVG-39464

JAMES A. DRINKS, :

DEFENDANT.

MAGISTRATE'S DECISION

This case came on for hearing before Magistrate David S. Jump. Attorney William J. Rees represented the plaintiff. Attorney Joseph V. Maskovyak represented the defendant. Based on the arguments presented the magistrate issues the following decision.

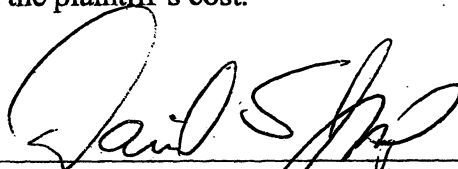
The defendant's Motion to Dismiss is sustained.

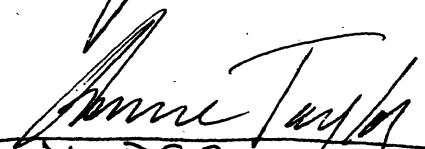
This case involves an annual lease. The provision on the second page of the lease (Defendant's Exhibit 1) reserving to the landlord alone the right to terminate the lease on 30 days' notice is unconscionable and unenforceable.

DECISION

The plaintiff's Complaint is dismissed at the plaintiff's cost.

DSJ/kjr/11-7-02

  
MAGISTRATE DAVID S. JUMP

  
JUDGE