

IN THE MUNICIPAL COURT OF CHILLICOTHE, ROSS COUNTY, OHIO

HERITAGE HILLS, LTD.

Plaintiff

vs

MARGARET A. SMITH

Defendant

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MAY 15 1978

CASE No. 78-CVG-218

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This matter came on for hearing on May 1, 1978, on the Motion of the Defendant to dismiss Plaintiff's Complaint in Forcible Entry and Detainer.

The Court heard evidence and argument on Branch II of the Motion, namely Plaintiff's failure to cite a material non-compliance with the rental agreement, material failure to carry out obligations under the Ohio Tenant-Landlord Act, or other good cause; and Branch III of the motion, namely that the requirement to report overnight guests is an unconstitutional violation of the right to privacy and is an unconscionable clause of the rental agreement.

Upon consideration of the evidence and argument, the Court found that the Plaintiff failed to show a material non-compliance with the rental agreement; that no material provisions of the State Tenant-Landlord Act apply, and that there was no showing of other good cause.

The Court further found that Rule 24 of the rental agreement, namely, requiring tenants to report overnight guests is unconscionable.

It is therefore ORDERED, ADJUDGED and DECREED that Rule 24 of the rental agreement is unconscionable.

It is further ORDERED, ADJUDGED, and DECREED that Plaintiff's Complaint be, and it hereby is, dismissed, with costs to Plaintiff.

David A. Cuffright

DAVID A. CUFFRIGHT, JUDGE

APPEARED:

BY: *Richard G. Ward*

Richard G. Ward
Attorney for Plaintiff

SOUTHEASTERN OHIO LEGAL SERVICES

BY: *William S. Fuchs*
William S. Fuchs
Attorney for Defendant

