

STATE OF OHIO, LORAIN COUNTY, ss., — THE ELYRIA MUNICIPAL COURT

Sam Shakeras
PLAINTIFF

FILED

CASE NO. 86 CV 1159

VS

MAY 2 1 40 PM '86

REFEREE'S REPORT

Carolyn Smith
DEFENDANT

APPEARANCES: PLAINTIFF

DEFENDANT

ATTORNEY FOR PLAINTIFF _____ ATTORNEY FOR DEFENDANT BARBARA RAMAGE

Pursuant to Rule 53 this matter was referred to the Referee for hearing and report.

NOTICE: Within fourteen days after the filing of this report any party may serve written objections thereto upon the other parties. Application to the Court for action upon this report and upon objections thereto shall be by motion and upon notice as prescribed in Rule 6 (D). The Court may adopt this report or modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions. (Rule 53 E (2)).

FINDINGS OF FACT AND LAW

Findings of Fact:

- (1) Plaintiff served Defendant with notice to vacate required by R.C. 51923.04 (A) on April 11, 1986.
- (2) Plaintiff commenced instant eviction action on April 16, 1986.

Law: R.C. 51923.04 requires 'service of notice to vacate 30 or more days prior to commencing eviction action. Pursuant to Civil Rule 6(A), the day of service, and any Saturdays, Sundays, and legal holidays are not included in computation of time period required by R.C. 51923.04.

As service of notice to vacate occurred on Friday April 11, 1986, Defendant had until the end of the day April 16, 1986, to vacate the premises. Plaintiff prematurely initiated the instant action on April 16, 1986.

RECOMMENDATION.

Recommended motion of Defendant be granted.

J.P. Hendricks

REFEREE

FILED
MAY 23 1986
CLERK OF COURT

CIVIL

Case No. 86CVG1159

Ram Shankaran Plaintiff Attorney for Plaintiff
vs.

Carolyn Smith Defendant Attorney for Defendant

Date May 19, 1986 J. E. Filed

Referee's report received and accepted. Defendant's motion for judgment on the pleadings granted.

Copy to Parties

George H. Ferguson Jr.

I hereby certify that the foregoing is a true and correct copy of the journal as found in The El Paso Municipal Court, Case No. 86CVG1159

Mary Birch
Cliff J. Burnett
Clerk of Court