

IN THE MUNICIPAL COURT OF
JACKSON COUNTY, OHIO

JOHN R. STEWART, :
Plaintiff : Case No. 88-CVG-265
vs. : JUDGE ESPOSITO
FLORENCE HUGHES, : E N T R Y
Defendant :
* * * * *

This case came on for hearing July 14, 1988 upon plaintiff's Complaint, filed July 5, 1988, and defendant's Motion to Dismiss, filed July 14, 1988. Present was plaintiff, defendant, and defendant's counsel.

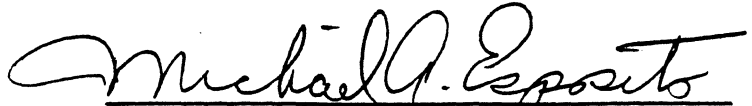
The Court finds that plaintiff seeks to evict defendant for having an unclean apartment and for bringing in roaches. The only written notice to leave the apartment was given June 23, 1988, at which time defendant was current in her rent pursuant to month-to-month tenancy. The Complaint and Summons were served on defendant July 8, 1988.

The Court sustains defendant's Motion objecting that summons was not served five (5) days prior to trial as required by O.R.C. 1923.06 and Civil Rule 6(A).

The Court further sustains defendant's Motion objecting to this Court's jurisdiction under O.R.C. 1923.01 due to plaintiff's failure to provide the 30 day written notice required by O.R.C. 1923.02(A)(8) and O.R.C. 5321.11 when a breach of duty under the lease and O.R.C. 5321.05 are alleged.

WHEREFORE, the Court ORDERS this case be dismissed.

Costs assessed against plaintiff.


MICHAEL A. ESPOSITO, JUDGE

Dated

SUBMITTED BY:



JAMES M. DANIELS
Attorney for Defendant
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FILED

JUL 20 1988

JACKSON COUNTY MUNICIPAL COURT
PATRICIA TEDROW, CLERK

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon John R. Stewart, Plaintiff, 673 Grimsley Poor Road, Jackson, OH 45640, by regular U.S. Mail this 18 day of July, 1988.



JAMES M. DANIELS
Attorney for Defendant