

IN THE MUNICIPAL COURT OF AKRON  
SUMMIT COUNTY, OHIO

91 AUG 13 PM 1:04

BOTNICK REALTY CO.

PLAINTIFF

v.

CHANIN BROWN, et al.

DEFENDANT

FILED  
MUNICIPAL COURT  
DAVID J. ELLI

CASE NO. 91 CVG 5445

JUDGE MAXSON

RULING ON OBJECTION  
AND JUDGMENT ENTRY

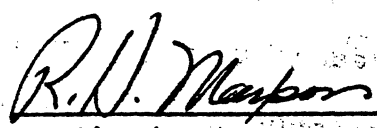
This case is before the Court on the Defendants' Objection to Referee's Report filed August 8, 1991. The Report objected to was filed on July 25, 1991.

The Objection contends that an agent of a landlord is not a proper party plaintiff in F & D actions under Chapter 1923 of the Ohio Revised Code. In the case of Prebcor, Inc. v. Herbert Fogel, D.D.A. (Oct. 27, 1986), Preble App. No. CA86-04-009, unreported, it was held that an agent of a corporation is a proper plaintiff in an F & D action. This Court is not obligated to follow the holding in this case, but the Court believes that it is a well-reasoned holding and therefore adopts it.

The Defendants' Objection to the Referee's Report is DENIED. The Referee's Report is APPROVED AND ADOPTED.

Judgment is entered for the Defendants and against the Plaintiff, and IT IS ORDERED that a writ of restitution not be granted.

PURSUANT TO CIVR  
58 (B) THE CLERK OF COURTS SHALL  
SERVE UPON ALL PARTIES  
NOT IN DEFAULT FOR FAILURE  
TO APPEAR NOTICE OF THIS  
JUDGMENT AND ITS DATE OF  
ENTRY UPON THE JOURNAL

  
Robert H. Maxson  
Judge

cc: Mr. Thomas A Ciccolini, Atty. for Pltf.  
Mr. Gregory R. Sain, Atty. for Deft.