

FILED

ATHENS COUNTY MUNICIPAL COURT

IN THE ATHENS COUNTY MUNICIPAL COURT

APR 16 1993

ATHENS, OHIO

CLERKS OFFICE  
ATHENS COUNTY, OH

United Mobile Home dba  
Spreading Oaks Village,

Plaintiff,

Case No. 93 CVG 3-8

vs

Bonnie L. Scruggs, n.k.a.  
Bonnie Miller, et. al.

JOURNAL ENTRY  
DECISION ON COMPLAINT

Defendants.

This cause came on for trial on the complaint seeking a writ of restitution and, for the reasons set forth below, the court finds for defendant on plaintiff's complaint.

On February 2, 1993, plaintiff served on defendant a "30 day notice" in an attempt to terminate the rental agreement at the manufactured home park in question. On March 2, 1993 plaintiff served defendant with a notice of termination of rental agreement that declared the lease terminated.

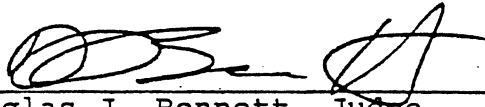
Plaintiff failed to wait thirty days for defendant to correct the alleged violations prior to declaring the rental agreement terminated. Ohio Revised Code Section 3733.13(B) permits the park operator to terminate a rental agreement "upon a date specified in the written notice not less than thirty days after receipt of the notice." Here, the park operator attempted to terminate the rental agreement in less

than thirty days and in violation of Ohio Revised Code Section 3733.13.

Ohio Revised Code Chapter 3733 governing the operation of manufactured home parks is a remedial statute and, therefore, must be liberally construed in order to promote the objective of protecting park tenants with substantial restrictions on the ability of manufactured home park operators to evict tenants. Swartz v McAtee, 22 Ohio St. 3d 14.

Upon the forgoing, the court finds for defendants on plaintiff's complaint. Cost to plaintiff.

Clerk is directed to forward copies of this entry to parties of record pursuant to Civil Rule 58 (B), Ohio Rules of Civil Procedure.

  
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Douglas J. Bennett, Judge  
Athens County Municipal Court

xc: John Lavelle,  
Attorney for Plaintiff

and

Thomas McGuire,  
Attorney for Defendant