

IN THE MARIETTA MUNICIPAL COURT  
WASHINGTON COUNTY, OHIO

FILED

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MUNICIPAL COURT  
MARIETTA, OHIO  
Case No. 94 CVG 238

SHIRLEY J. WILLIAMS, et al.,

vs.

SUSAN MENTZER,

Defendant.

ENTRY

This cause came before the Court May 2, 1994 on plaintiff's Complaint for Eviction and Money Damages. Plaintiffs appeared pro se; defendant appeared represented by counsel.

On the call of the case, the parties presented testimony and documentary evidence. Plaintiffs' position was that defendant violated the written lease by failure to pay rent for April 1994 and by failing to have water and sewer service put in her name. Plaintiffs also testified that defendant informed them she did not intend to pay rent.

Defendant's position was that plaintiffs instituted this action prematurely, and the court therefore does not have jurisdiction to proceed.

Based on the evidence and arguments presented, the Court hereby makes the following Orders:

1. Paragraph 19 of the lease provides for a fourteen day grace period and right to cure a default by tenant.

2. The notice to leave the premises was served April 4, 1994, before the expiration of the grace period contracted for by the parties.

3. Defendant's anticipatory breach of the lease does not vitiate

WILLIAMS v. MENTZER  
ENTRY  
Case No. 94 CVG 238  
Page 2

the plain terms of the lease.

4. Plaintiffs' Notice to Leave the Premises was filed prematurely. Therefore, the Court does not have jurisdiction to proceed.

5. This cause is hereby dismissed at plaintiffs' cost.

IT IS SO ORDERED.

HONORABLE W. M. NUZUM, III, JUDGE

*Shirley J. Williams*  
SHIRLEY J. WILLIAMS, Plaintiff

*R. Bruce Williams*  
R. BRUCE WILLIAMS, Plaintiff

*Dennis M. Harrington*  
DENNIS M. HARRINGTON,  
Attorney for Defendant