

IN THE MUNICIPAL COURT, CHILLICOTHE, OHIO

FILED

LEONARD and JERI GENTIL,
Plaintiffs,

96 NOV 12 12:37
CASE NO. 96-CVG-1095

vs.

ROSEANNA J. STROBE
RECEIVED
MUNICIPAL COURT

HARRIETTA WILLIAMS and
ROGER WILLIAMS,

CHILLICOTHE, OHIO
Probable Entry and Detainer,
Second Cause

Defendants.

* * * * *

The undersigned, Jane Spring Martin, pursuant to the Order of this Court appointing her Magistrate herein, reports findings of fact and conclusions of law as follows:

1. The Defendants were each properly served with summons and Complaint in this matter on August 19, 1996, and have failed to file an answer herein. Plaintiff was present in Court for hearing on the Second Cause of her Complaint and was unrepresented. Defendant Harrietta Williams was present for hearing and was unrepresented. Defendant Roger Williams was not present or represented at the hearing on the Second Cause.

2. Based on evidence presented it is found that the Defendants owe rent to the Plaintiffs in the amount of \$450.00 for August 1996 and \$450.00 for the month of September 1996.

3. It is found that the Plaintiffs' late charges claimed in the amount of \$405.00 for August and \$105.00 for September based on a contract rate of \$15.00 per day, are excessive and therefore unconscionable. This clause of the parties lease is found to be unenforceable.

4. The Plaintiff presented evidence which established that they are entitled to damages as follows: Key replacement \$8.00, screen damage \$25.00, hole in bedroom door \$75.00, broken living room window

\$35.00, and refinishing of two doors \$25.00.

5. The total of rent and damages found owing to the Plaintiffs is \$1,068.00. The Plaintiffs have retained a security deposit given by Defendants in the amount of \$250.00 which should be credited to these damages. The Plaintiffs are entitled to a net judgment in the amount of \$818.00.

DECISION

It is the Decision of the Magistrate that judgment should be granted to the Plaintiffs and against the Defendants Harrietta Williams and Roger Williams in the amount of \$818.00 plus interest from November 5, 1996 and costs.

DATE: 11-12-96

Jane Spang Mott
MAGISTRATE

PROOF OF SERVICE

A copy of the foregoing Magistrate's Decision was served upon Leonard Gentil and Jeri Gentil, Plaintiffs, 411 Allen Avenue, Chillicothe, OH 45601 and on Harrietta Williams and Roger Williams, Defendants, 89 Plyley's Lane, Chillicothe, OH 45601, by ordinary first class mail on 11-14-96.

DATE: 11-14-96

Nancy Williams
Deputy Clerk