

IN THE MUNICIPAL COURT OF AKRON  
SUMMIT COUNTY, OHIO

Walter J. Evans

Plaintiff

v.

Tangee Washington

Defendant

CASE NO. 98 CVI 4274

Magistrate: Suzanne Stephens

MAGISTRATE'S DECISION WITH  
FINDINGS OF FACT AND  
CONCLUSION OF LAW  
NUNC PRO TUNC

This case was set for hearing before the Magistrate on June 19, 1998. The Plaintiff was in court. The Defendant was in court with counsel.

Plaintiff was found to have a possessory interest in the premises as set forth in the complaint, as owner for 845 Harvard Street, Akron, Ohio.

Tenancy was pursuant to a written AMHA Section 8 lease. Rent per month pursuant to the AMHA Section 8 lease is \$93.00. Rent was last received in April for April. Rent is due on the 10th of each month.

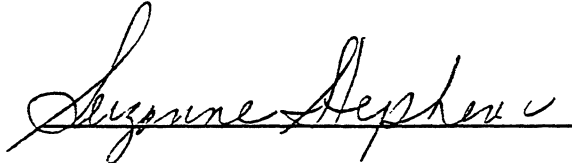
A statutory notice was properly served on the Defendant on May 12, 1998, which was at least three (3) days before the complaint was filed. The notice was put in the mail box.

On June 19, 1998 the Magistrate did not allow the writ to be issued but did not state the reasons in the decision. On July 17, 1998 Defendant moved this court for a nunc pro tunc order.

The Defendant paid the Plaintiff an extra \$26.00 per month. The property is a three bedroom home. Defendant is certified on a two bedroom home. Originally the Defendant was to pay \$125.00

per month which was reduced in December 1997 to \$93.00 per month. The extra \$26.00 was paid from January 1996 through April 1998. Paying the extra amount was in violation of the Section 8 Rental Agreement and the Housing Assistance Payment Contract.

It is the decision of the Magistrate that a writ NOT BE allowed. It is my further decision that the second cause be continued.

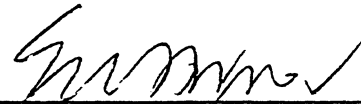
  
Magistrate Suzanne Stephens

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JUDGMENT ENTRY

The decision of the Magistrate is approved. It is the judgment of the Court that a writ of restitution MAY NOT issue. Costs to be paid by the (plaintiff) (defendant).

8/20/98  
Date

  
Judge

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