

FAIRFIELD COUNTY
MUNICIPAL COURT
JAN 20 2004

IN THE FAIRFIELD COUNTY MUNICIPAL COURT
LANCASTER, OHIO

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|-----------------------------|---|-----------------------|
| AMERICAN PROPERTY SERVICES, | : | |
| | : | |
| Plaintiff, | : | Case No. 03 CVG 02766 |
| | : | |
| vs. | : | |
| | : | |
| DEBORAH HENSHAW, | : | |
| | : | |
| Defendant. | : | <u>JUDGMENT ENTRY</u> |


This matter came to be heard on the 9th day of December, 2003, upon the Plaintiff's Complaint for Forcible Entry and Detainer. Plaintiff was represented by Attorney Alan D. Friedman. The Defendant was represented by Attorney Kris-Ann Stanley-Gomez.

Based upon the testimony given and evidence presented, this Court finds that the Defendant paid her full share of December rent and a balance due on her account, for a total of \$151, in the form of a money order to Plaintiff on or about December 3, 2003. Plaintiff accepted Defendant's money order after service of the notice to leave the premises. Due to Plaintiff's acceptance of future rent after service of the notice, Plaintiff has voided the notice to leave the premises and has renewed the terms of the tenancy.

Additionally, the Court finds that the Plaintiff accepted the December rent portion that is paid monthly by the Fairfield Metropolitan Housing Authority. Due to Plaintiff's acceptance of Fairfield Metropolitan Housing Authority's share of the rent after service of the notice to leave the premises, the notice is voided and the terms of the tenancy are renewed.

A valid notice to leave the premises under O.R.C. Section 1923.04 is a condition precedent for this Court to have jurisdiction. Since the notice was voided through Plaintiff's acceptance of Defendant's rent and any balance due, as well as Fairfield Metropolitan Housing Authority's share of the rent, this court does not have jurisdiction to hear this matter and it should be dismissed.

IT IS THEREFORE ORDERED that Plaintiff's Complaint shall be dismissed. Costs taxed to the Plaintiff.


 ACTING JUDGE G. BRIAN BOLTZ
 JUDGE PATRICK WARREN