

IN THE MUNICIPAL COURT OF DAYTON, OHIO
CIVIL DIVISION

FILED
DAYTON MUNICIPAL COURT
CIVIL DIVISION

2011 OCT -5 AM 11:14

BILTMORE APARTMENTS,
Plaintiff,

CASE NO: 11 CVG 5315
MARK E. OWENS
CLERK

Vs.

MAGISTRATE'S
DECISION

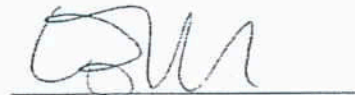
PHILLIP BIRDSONG,
Defendant,

This matter came on for trial September 30, 2011 on Plaintiff's complaint for restitution of the premises pursuant to Section 1923.06 O.R.C. and Rule 5.00 of the Dayton Municipal Court Civil Rules. Plaintiff appeared represented by counsel. Defendant appeared represented by counsel.

The Court finds that the property is subject to federal regulations and that Plaintiff failed to prove that the Notice to Vacate was served personally and/or on the premises AND sent by mail as required. The Court further finds that a three day notice to vacate was not served on Defendant in addition to the ten day notice. The Court therefore finds in favor of the Defendant and denies restitution of the property.

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Court finds in favor of Defendant.

SO ORDERED.



Magistrate

JUDGMENT ENTRY

THE COURT HAS INDEPENDENTLY REVIEWED AND HEREBY ADOPTS
THE MAGISTRATE'S DECISION AND AWARDS DAMAGES IN THE
AMOUNT DETERMINED BY THE MAGISTRATE:



JUDGE

A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion in the Magistrate's Decision, whether or not specifically designated as a Finding of Fact or Conclusion of Law, unless the party timely and specifically objects in writing to that factual finding or legal conclusion within fourteen (14) days of the filing of the Decision, as required by Civil Rule 53(D)(3)(b).

Cc:

Plaintiff or Counsel for Plaintiff

Defendant or Counsel for Defendant