

IN THE MUNICIPAL COURT OF DAYTON, OHIO
CIVIL DIVISION

FILED
DAYTON MUNICIPAL COURT
CIVIL DIVISION

2011 OCT -5 AM 11:11

BILTMORE APARTMENTS,
Plaintiff,

CASE NO: 11 CVG 5315
MARK E. OWENS
CLERK

Vs.

MAGISTRATE'S
DECISION

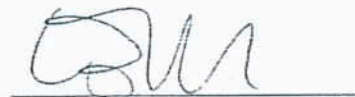
PHILLIP BIRDSONG,
Defendant,

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