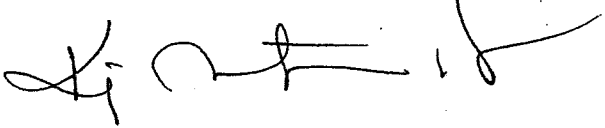
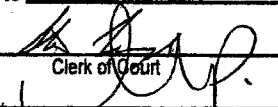



IN THE SHAKER HEIGHTS MUNICIPAL COUR  
**JOURNAL ENTRIES**

Case no. **09-CVG-01707**

TITLE OF CASE	ATTORNEYS
<p><b>RODNEY B. CHENEY</b> 1098 Shrewsbury Dr. Ravenna, OH 44266</p> <p>-vs-</p> <p><b>RENITA MITCHELL</b> 3119 Keswick Rd. Shaker Hts., OH 44120</p>	<p>For Plaintiff:</p>          <p>For Defendant:</p>

DATE	JOURNAL ENTRIES
11/25/09	<p>ORDER</p> <p>Magistrate's Decision adopted. This case is dismissed at plaintiff's costs for lack of jurisdiction.</p> <p>Journalized <u>11-25-09</u> </p> <p>Mailed to <u>PI-DA</u></p> <p> Clerk of Court</p> <p>By <u></u> Deputy Clerk</p>

SHAKER HEIGHTS MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

RODNEY B. CHENEY	)	CASE NO 09CVG01707
	)	
Plaintiff(s)	)	
	)	<b>MAGISTRATE'S DECISION</b>
-vs-	)	
	)	<b>EVICTION</b>
	)	
RENITA MITCHELL	)	<b>FINDINGS OF FACT AND</b>
	)	<b>CONCLUSIONS OF LAW</b>
Defendant(s)	)	

This cause came on for hearing on November 25, 2009, before Lois S. Resnick, a duly appointed magistrate. The following are the magistrate's findings of fact and conclusions of law.

1. Defendant(s) was served with summons.
2. All parties were served notice of hearing.
3. The plaintiff(s) did appear at trial.

Counsel present: none

4. The defendant(s) did appear at trial.

Counsel present: H. Edward Gregory, III

5. Witness(es) for plaintiff was plaintiff only.
6. Witness(es) for defendant was defendant only.

7. The plaintiff is the landlord under O.R.C. §1923.01.

8. The type of tenancy is month to month

9. The grounds for this action alleged in the complaint are: failure to vacate after termination of the tenancy

10. Defendant(s) was served a statutory notice to vacate.

Type of service and date: September 17, 2009

11. Plaintiff has accepted rent since the service of the three day notice.

12. The grounds of this action are not true according to the evidence.

13. Plaintiff does not have the right to possession.

Further findings: Plaintiff failed to provide a copy of the 3 day notice to CMHA.

Further, plaintiff served the 30 day notice terminating the tenancy in April 2008, but continued to accept rent from CMHA without proceeding to eviction. The 30 day notice is therefore waived.

This court had no jurisdiction to grant the eviction.

DECISION:

Defendant's motion to dismiss for lack of jurisdiction is granted.

Boris S. Bernick 11/25/09  
MAGISTRATE DATE

A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FINDING OF FACT OR CONCLUSION OF LAW UNLESS A PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FINDING OR CONCLUSION AS REQUIRED BY CIV. R. 53 (D)(2)(b).

Filed 11-25-09

Mailed to PI-DA

By [Signature]  
Clerk of Court  
Deputy Clerk