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IN THE PAINESVILLE MUNICIPAL COURT
LAKE COUNTY, OHIO

LAKE METROPOLITAN) CASE NO. CVG-940539
HOUSING AUTHORITY)
Plaintiff,)
vs) JUDGE: MICHAEL A. CICCONETTI
TAMARA JOURNIGAN)
Defendant.) JUDGMENT ENTRY

This matter came before the Court upon Defendant's "Motion to Dismiss or For Summary Judgment" filed on May 25, 1994. The Court, having reviewed the pleadings, makes the following Findings of Fact and Conclusions of Law:

1. Defendant was a tenant of Plaintiff under a automatic renewable lease agreement;
2. Defendant was properly served with a three day notice on April 15, 1994 with the stated reason for eviction being, "for having an authorized person residing in your unit who was arrested for criminal activity." Said reason was in violation of the lease agreement under Section 7;
3. Jon Taylor, the natural father of Defendant's child, was arrested in the City of Painesville, over one mile away from the leased premises, for trafficking in drugs on April 14, 1994. Whether Mr. Taylor was residing with Defendant was a matter of dispute.
4. The Court finds the issue of Mr. Taylor's actual living arrangement is irrevelant to this Court's decision.
5. Upon review of available case law, the lease agreement, and the pleadings, the Court finds the criminal activity on the part of Jon Taylor has no effect on the other tenants of Plaintiff's property or on the tenancy of Defendant and such provision in the lease agreement is hereby considered unenforceable.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion for Summary Judgment and to Dismiss the Action for Forcible Entry and Detainer is hereby granted. Costs shall be assessed to Plaintiff.

IT IS SO ORDERED.


MICHAEL A. CICONETTI, JUDGE

CC. Richard Collins
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