

IN THE AKRON MUNICIPAL COURT
SUMMIT COUNTY, OHIO

FILED

Plaintiff
VICTORIA M. CLARK

v.

Defendant
ANTHONY MILLS

CASE NO: 20 CVG: 01530 2020 JUN 10 PM 2:33

AKRON MUNICIPAL COURT
JEN LARIA
CLERK

JUDGMENT ENTRY:
Final Appealable Order
on Forcible Entry and Detainer

This matter came before a Magistrate on 6/9/2020 for a hearing on the first cause in this forcible entry and detainer action. The Magistrate recommended that a writ of restitution NOT BE allowed in this case.

Further, the Magistrate recommended that: ☐ the second cause in this matter be continued, or ☐ this case be transferred to the administrative docket until service of the second cause is perfected, or ☒ that this case be concluded because ☐ there is no second cause) or ☒ (both causes are dismissed) or ☐ the second cause be dismissed for failure to state a recoverable claim), together with the costs to be paid by the ☒ PLAINTIFF ☐ DEFENDANT.

After independent review, this Court hereby adopts the 6/9/2020 Magistrates Decision in this matter. Accordingly, the Court hereby orders that a writ of restitution NOT BE allowed in this case. This Court orders that ☐ the second cause in this matter be continued, or ☐ this case be transferred to the administrative docket until service of the second cause is perfected, or ☒ that this case be concluded because ☐ (there is no second cause) or both causes are dismissed or ☐ the second cause be dismissed for failure to state a recoverable claim), together with the costs to be paid by the ☒ PLAINTIFF ☐ DEFENDANT.

JUDGE

PURSUANT TO CIV. R.58(B), THE CLERK OF COURTS SHALL WITHIN THREE (3) DAYS OF THE FILING OF THIS DECISION SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR NOTICE OF THIS JUDGEMENT ENTRY AND ITS DATE OF ENTRY UPON THE JOURNAL OF THE COURT.

IN THE AKRON MUNICIPAL COURT
SUMMIT COUNTY, OHIO
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Plaintiff

VICTORIA M. CLARK

AKRON MUNICIPAL COURT

JIM LARIA

Defendant CLERK

ANTHONY MILLS

CASE NO: 20 CVG: 01530

MAGISTRATE'S FINDING OF FACT AND
CONCLUSION OF LAW:

Forcible Entry and Detainer Action

Findings of Fact: This case was filed on 2/24/20. The first cause was served by Reg. mail, unclaimed cert.. The second cause HAS NOT been properly served, or here was no second cause. This case is set for hearing on 6/9/20. The Plaintiff WAS NOT in court (with)(by) counsel. The Defendant(s) WAS NOT in court (with)(by) counsel.

Plaintiff is found to have a possessory interest in 1683 East Ave. Akron, OH 44314 as owner/agent/lessor. A copy of Plaintiff's possessory interest IS NOT attached to the complaint. The property IS NOT registered with Summit County. A copy of the registration IS NOT attached to the complaint. The property IS NOT registered with the City of Akron. A copy of the registration IS NOT attached to the complaint.

Defendant has a tenancy in this property pursuant to (lease)(Section 8)(month to month) (verbal) (other): Holdover tenant. A copy of the lease IS NOT attached to the complaint. Rent per month is \$ _____. Rent is due on the _____ of each month, with a grace period until the _____ of each month. A security deposit of \$ _____ was paid. Rent in the amount of \$ _____ was last received on _____ for _____. A Lawful statutory notice WAS NOT properly served on the Defendant on Feb 14, 2020, which was at least three days before the complaint was served by: ☐ Hand Delivered ☐ Certified Mail ☒ Posting at Premises. A copy of the notice IS NOT attached to the complaint. ☐ A copy of the notice was served upon AMHA. Termination of Lease noticed was served on _____.

Other facts entitling ☐ PLAINTIFF ☒ DEFENDANT to judgement: ☐ failure to pay rent ☐ maintains possession ☒ other. No rent has been paid because Miss Clark has purchased the property and there was not a new lease. The Defendant testified he was uncertain who he should pay rent to and he wanted to see the new owner before he made payment as the only notice he received was from the Owner's agent who did not testify. 468 N.E.2d 938, 130 O.B.R. 294
Conclusion of Law: It is decision of the Magistrate that a writ NOT BE allowed. It is further the decision of the Magistrate that:

☐ The second cause in this matter be continued, or ☐ this case be transferred to the administrative docket until service of the second cause is perfected, or ☒ that this case be concluded because (there is no second cause) or (both causes are dismissed) or (the second cause is dismissed for failure to state a recoverable claim.

Jennifer D. Inwell
MAGISTRATE

PURSUANT TO CIV. R.58(B), THE CLERK OF COURTS SHALL WITHIN THREE (3) DAYS OF THE FILING OF THIS DECISION SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR NOTICE OF THIS JUDGEMENT ENTRY AND ITS DATE OF ENTRY UPON THE JOURNAL OF THE COURT.