## Electronically filed - Garfield Heights Municipal Court JE'NINE A. NICKERSON, Clerk of Court - Jul 14, 2020 02:25:17 PM

## GARFIELD HEIGHTS MUNICIPAL COURT Cuyahoga County, Ohio

Dte/Earthscape Land And Construction LLC		)
		) Case No. CVG2000558
	Plaintiff	)
-VS-		) ) JUDGMENT ENTRY
Dyani Marbury		) JUDGMENT ENTRY
5168 Homewood Ave		}
Maple Heights, Oh 44137		)
	1 1	)
	Defendant	)

This cause came on for consideration on the defendant's objections to the Magistrate's Decision denying the defendant's motion to dismiss.

Upon authority of UMH OH Buckeye II, L.L.C. v. DeCarlo, 2019-Ohio-4986, ¶6 (8<sup>th</sup> Dist. Cuyahoga County), the Court finds the objections are well-taken in that the plaintiff failed to comply with the notice provisions of R.C. 1923.04, a precondition to the invoking of the court's jurisdiction in an eviction action.

Based upon the foregoing, the within matter is dismissed without prejudice at the plaintiff's costs due to lack of jurisdiction.

## IT IS SO ORDERED.

Date: July 14, 2020

Judge Jennifer P. Weiler

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