

FILED
COURT OF COMMON PLEAS
2009 DEC -7 P 2: 16
GENERAL DIVISION
MONTGOMERY COUNTY, OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

EASTCARE III,

Plaintiff(s),

-vs-

MIKAEL SHOCKLEY,

Defendant(s).

CASE NO. 2009 CV 05424

JUDGE CONNIE S. PRICE

MAGISTRATE DAVID H. FUCHSMAN

JUDGMENT ENTRY ADOPTING
MAGISTRATE'S DECISION

This matter came on for the Court's review and analysis of the Magistrate's Decision, dated October 28, 2009, filed in this case pursuant to Civ. R. 53 (D) (3).

The Court first finds that the parties in this case have not caused to be filed any objections to the Magistrate's Decision pursuant to Civ. R. 53 (D) (3) (b).

The Court next proceeds to determine whether or not there is any error of law, or defect on the face of the Magistrate's Decision and the Court finds neither to be present.

Therefore, the Court adopts the Magistrate's Decision, its findings, conclusions and decision as the Court's own, and this entry shall serve and be the final judgment entry and order of the Court.

The judgment is hereby entered as follows:

1) **Plaintiff's request for a Writ of Restitution be denied, at this time, and the case shall be administratively dismissed subject to reactivation upon a motion filed by either party.**

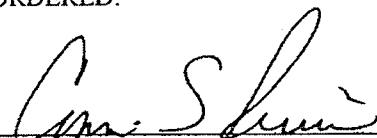
2) **The Defendant shall remain current on his monthly rent obligation and pay an extra \$100.00 per month until the net arrearage is paid in full. Both the current rent and the \$100.00 payment, per month on the arrearage shall be paid to the Plaintiff no later than the 5th day of each**

month, beginning with the month of December. Should Defendant fail to pay, as ordered herein, Plaintiff may file a motion to reactivate the case and to seek reconsideration of denial of the writ of restitution.

3) At that time, should the Court determine that Defendant has failed to remain current on the obligations set herein, there is a strong likelihood that the Writ of Restitution will be granted.

4) Costs of this action shall be divided by the parties, equally.

SO ORDERED:



JUDGE CONNIE S. PRICE



MAGISTRATE DAVID H. FUCHSMAN

THIS IS A FINAL APPEALABLE ORDER, AND THERE IS NOT JUST REASON FOR DELAY FOR PURPOSES OF CIV.R.54 PURSUANT TO APP.R.4. THE PARTIES SHALL FILE A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS.

SO ORDERED:



JUDGE CONNIE S. PRICE

To the Clerk of Courts:

Please serve the attorney for each party and each party not represented by counsel with Notice of Judgment and its date of entry upon the journal



JUDGE CONNIE S. PRICE

Copies of the above were sent to all parties listed below by ordinary mail this date of filing.

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