

IN THE TUSCARAWAS COUNTY COURT, UHRICHSVILLE, OHIO

John Householder

CASE NO. 06 CVG 687

PLAINTIFF,

FILED

vs.

MAR 06 2007

Sallie and Michael Edgar

Carol Ross
Clerk Tuscarawas County Court JUDGMENT ENTRY

DEFENDANT,

* * * * *

This matter came on for Second Claim Hearing on Rent and Damages this 22nd day of February, 2007 before Judge Brad L. Hillyer. The Plaintiff, John Householder, was present in Court unrepresented by Counsel. The Defendants, Sallie and Michael Edgar, were both present represented by their Attorney Molly L. Gillivan.

The Court received lengthy testimony from both John Householder and Michael Edgar. In addition the Defendants presented James McCauley, as a witness, regarding furnace repair that he made at the property on October 26, 2006.

The dispute centered on the credit to be allowed to the Defendant for work they had to do when they were unable to contact the landlord, John Householder, about defects in the furnace. Dominion Gas had red tagged the furnace and it could not be turned on until pressure testing and line repair had been completed. Michael Edgar was unable to reach the

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landlord who had been out of the area for a considerable period and therefore, hired James McCauley to due the work. The Court finds that "Defendant's Exhibit B" was introduced into evidence! indicating Four Hundred Fifty Dollars (\$450.00) in repairs were incurred and paid for by Michael Edgar. All of those should be allowed against the rent and damage **claim** of the Plaintiff.

In addition, the Defendant incurred an additional Thirty Dollars (\$30.00) in additional electric costs when he was required to use space heaters as the furnace had been red tagged..

The Court finds that it is appropriate to award the Defendant an additional One Hundred Dollars (\$100.00) credit against the rent and damages as inconvenience as a result of the loss of the legally required furnace and utilities at the residence.

The Court finds that a security deposit in the amount of Three Hundred Fifty Dollars (\$350.00) was posted by the Defendant and should be allowed against the rent and damages which appear below.

The Court finds that rent is due for the months of November, December, and January with the credits as listed above.

Therefore, Judgment is hereby awarded in favor of the Plaintiff and against the Defendant in the amount of One Hundred Twenty Dollars (\$120.00) plus fifty percent (50%) of

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the costs which is Fifty Eight Dollars and Fifty Cents (\$58.50) for a total judgment of One Hundred Seventy Eight Dollars and Fifty Cents (\$178.50) with interest at the rate of 8% per annum from date of judgment until paid in full. The remaining court cost shall be assessed against the Plaintiff.

IT IS SO ORDERED



**BRAD L. HILLIER, JUDGE
TUSCARAWAS COUNTY COURT**

cc: **Plaintiff**
Defendant
Attorney Molly Gillivan