

IN THE LICKING COUNTY MUNICIPAL COURT

Kasson Manor Mobile Home Park :

Plaintiff, :

-vs- :

Ned Payne, et al. :

Defendants. :

Case No. 09 CVG 01602

Judge W. David Branstool

JUDGMENT ENTRY

This matter came before the Court for an Eviction Hearing on June 15, 2009. The Plaintiff alleged that the Defendant's failed to timely pay the monthly rental payments, including late charges, for the months of May and June 2009.

The testimony established that the Payne's has resided at the Kasson Manor Mobile Home Park for approximately 27 years. Currently, the monthly lot rent is \$225.00.

It was undisputed that the Payne's paid their lot rent late in May 2009. The rental payment for that month was paid May 16, 2009, however, Plaintiff returned the check to the Payne's on May 18, 2009. The evidence further established that the Payne's paid \$150.00 in late fees to Plaintiff on June 4, 2009 and that Plaintiff returned that check to the Payne's shortly thereafter. In addition, the testimony established that the Payne's paid Plaintiff for the June lot rent on June 4, 2009, but that Plaintiff once again returned that check to the Payne's shortly thereafter.

The Court finds that Plaintiff is entitled to restitution to the premises because equity abhors a forfeiture. Therefore, Plaintiff's request for an eviction is denied.

IT IS SO ORDERED.



Judge W. David Branstool