

# PORTAGE COUNTY MUNICIPAL COURT

203 West Main Street  
Ravenna, Ohio 44266

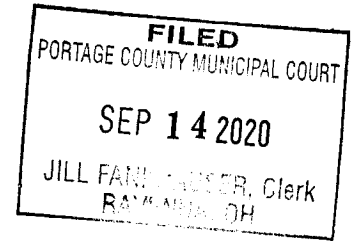
Case No:2020CVG01333R

KMW III LTD  
DBA HAMLET MOBILE HOME PARK  
PLAINTIFF(S)

VS

## JUDGMENT ENTRY

DEBRA FALACIENSKI  
DEFENDANT(S)



The Court, having reviewed the Magistrate's Decision filed on 9-9-, 2020 hereby adopts and approves said Decision.

Based upon the evidence and testimony given at the hearing held September 03, 2020  
It is Adjudged and Ordered as follows:

☐ A Writ of Restitution is granted.

☐ A Writ of Restitution is denied.

☐ A Writ of Restitution is to issue by agreement against the Defendant/s but is not to be executed in accordance with the Agreed Entry of the parties. Said Agreed Entry is incorporated herein in its entirety by reference.

☐ The first cause of action is moot and therefore dismissed by the Plaintiff, without prejudice.

☐ The second cause of action is pending until the answer date.

☒ Dismiss both counts; costs to the Plaintiff.

☐ Plaintiff is a Park Operator entitled to restitution of the premises. Pursuant to ORC §1923.09, Plaintiff is granted authority, to remove and sell, destroy, or transfer ownership of Defendant's manufactured home, mobile home, or recreational vehicle in accordance with §1923.12, §1923.13(B), and §1923.14(B),

*Either party may file objections to the Magistrate's Decision within 14 days of the filing date of the Decision.*

IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE  
PORTAGE COUNTY MUNICIPAL COURT

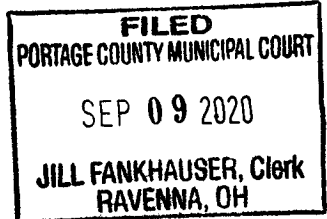
**THIS IS A FINAL APPEALABLE ORDER. THE CLERK SHALL JOURNALIZE THIS JUDGMENT AND DATE OF SUCH JOURNALIZATION AND SHALL NOTIFY ALL PARTIES NOT IN DEFAULT OF SAID JUDGMENT IN ACCORDANCE WITH CIV. R 58 (B).**

This Order or Decision was mailed by  
ordinary mail/fax/e-mail to attys/parties  
by the clerk on 9-15-2020

Jill Fankhauser, Clerk of Courts  
By AB Deputy Clerk

# PORTAGE COUNTY MUNICIPAL COURT

203 West Main Street  
Ravenna, Ohio 44266



KMW III LTD DBA HAMLET MOBILE HOME PARK  
Plaintiff(s)

Case No: 2020CVG01333R

VS  
DEBRA FALACIENSKI  
Defendant(s)

## DECISION OF THE MAGISTRATE FORCIBLE ENTRY AND DETAINER

Hearing Date: September 03, 2020 Complaint Filed: 08-20-2020 Service Date: 08-24-2020

Parties Present: Plaintiff ☒ Defendant ☒

Plaintiff: ☒ Owner ☐ Agent  
☐ Residential  
☐ Commercial  
☒ Manufactured Home Park

Writ:  
Wichie Galpin: Park Mgr.

Type of Tenancy: Oral, written rental agreement, written lease, squatter, other: ET "B" - 8-1-2020

☒ THREE DAY NOTICE TO VACATE Date: 8-13-2020 Method of delivery: posted on door

### BASIS OF FIRST CAUSE OF ACTION:

☒ Rent Default Beginning 8-1-2020

No Pmt since 3-day  
Breach of Lease/Rental Agreement Term.

☐ Termination of Periodic Tenancy

Item #

☒ Other Attempted Period Pmt - Returned \$200.00

Term of Tenancy: 1 yr 3 part

Rent Due On: 1st

Monthly Rent: 359.00

This cause came on for hearing before the Magistrate as regularly assigned by the court, evidence and testimony were received and the above facts were found to be true. After finding jurisdiction and venue to be proper, the Magistrate decides that:

☐ A Writ of Restitution is granted

☒ A Writ of Restitution is denied: 3 day ltr Defective; must contain Plaintiff's name. 3-day does not require signature or basis of notice to vacate

A Writ of Restitution is to issue by agreement against the named Defendant/s as prayed, but is not to be executed if: if must contain Plaintiff's name.

☐ The first cause of action is moot and therefore dismissed by the Plaintiff, without prejudice.

☐ The second cause of action is pending until answer date.

☐ Continue, case re-assign for trial

☒ Dismiss both counts; costs to the Plaintiff.

EITHER PARTY MAY OBJECT TO THE ABOVE DECISION BY FILING WRITTEN OBJECTIONS WITH THE CLERK OF COURTS WITHIN FOURTEEN (14) DAY AFTER THE DATE TIME STAMPED ABOVE, OR WITHIN FOURTEEN (14) DAYS AFTER WRITTEN FINDINGS OF FACT AND CONCLUSION OF LAW ARE ISSUED, IF REQUESTED. A PARTY SHALL NOT ASSIGN AN ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIV. R. 53(D) (3)(a)(ii), UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECT TO THAT FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY CIV. R. 53(D)(3)(b).

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

MAGISTRATE  
PORTAGE COUNTY MUNICIPAL COURT