

IN THE TUSCARAWAS COUNTY COURT
UHRICHSVILLE, OHIO

OXFORD SQUARE APARTMENTS, Case No. 07 CVG 657

Plaintiff,

FILED

JUDGE MICHAEL COCHRAN

vs.

DEC 13 2007

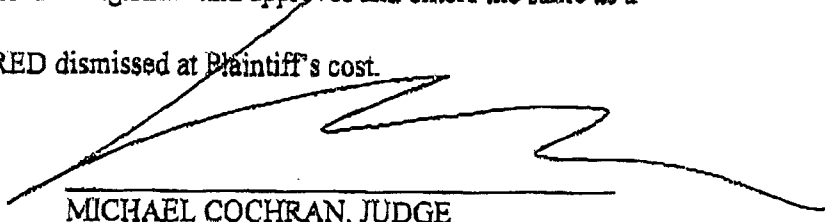
CAROLYN NICHOLSON, Carol Rose JUDGMENT ENTRY

Clerk Tuscarawas County Court

Defendant.

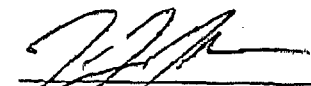
The Court determines that there is no error of law or other defect on the face of the Magistrate's Decision.

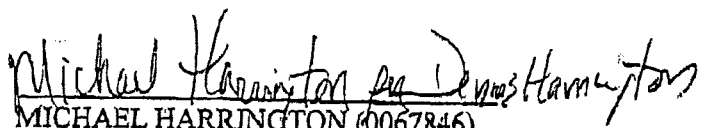
The Court adopts the Decision of the Magistrate and approves and enters the same as a matter of record. This cause is ORDERED dismissed at Plaintiff's cost.




MICHAEL COCHRAN, JUDGE

Approved:



JASON JACKSON (0074350)
Attorney for Plaintiff

MICHAEL HARRINGTON (0067846)
Attorney for Defendant

DENNIS M. HARRINGTON (0034497)
Attorney for Defendant

IN THE TUSCARAWAS COUNTY COURT
UHRICHSVILLE, OHIO

OXFORD SQUARE APARTMENTS, Case No. 07 CVG 657

Plaintiff, FILED

JUDGE MICHAEL COCHRAN

vs.

DEC 13 2007

CAROLYN NICHOLSON, Carol Ross
Plaintiff, vs. Defendant, MAGISTRATE'S DECISION
Tuscarawas County Court

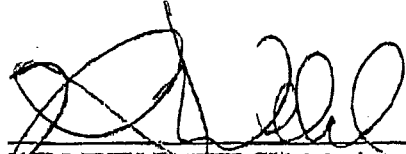
Defendant.

This cause came before the Court December 6, 2007 on Plaintiff's In Forcible Entry and Detention Complaint. On the call of the case, the magistrate met with counsel in chambers, wherein Defendant orally moved to dismiss this cause. The basis of the motion is that the Plaintiff, Oxford Square Apartments, filed this case under a fictitious or trade name, which name has not been registered with the Ohio Secretary of State. Defendant argues that Plaintiff's failing to register its fictitious or trade name with the Secretary of State violates R.C. §1329.01, and 1329.10 bars the Plaintiff from commencing or maintaining the present action.

Upon due consideration of Defendant's motion, the magistrate finds it well taken and sustains it. Therefore, the magistrate's judgment is that this cause shall be dismissed at Plaintiff's cost.

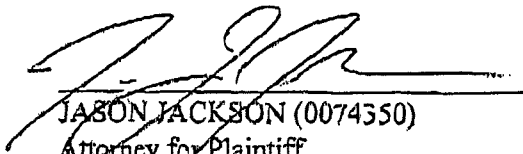
A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIV. R. 53 (D) (3) (A) (ii), UNLESS THE PARTY HAS OBJECTED TO THAT FINDING OR CONCLUSION AS REQUIRED BY CIV. R. 53(D) (3) (B).

Oxford Square Apartments v. Carolyn Nicholson
MAGISTRATE'S DECISION
Page 2



KENNETH R. WELCH, Magistrate

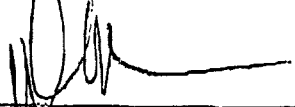
Approved:



JASON JACKSON (0074350)
Attorney for Plaintiff

Michael Harrington by Dennis Harrington

MICHAEL HARRINGTON (0067846)
Attorney for Defendant



DENNIS M. HARRINGTON (0034497)
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