

WAYNE COUNTY MUNICIPAL COURT

OAK PARK ESTATES, LLC
Plaintiff

vs.

JAMES F. BURNLEY, JR., et al
Defendants

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Case No. 2015 CV-G 001007

MAGISTRATE'S ORDER

This matter came on for hearing before the Court Magistrate on June 29, 2015 upon Plaintiff's Complaint in Forcible Entry and Detainer. Plaintiff appeared, together with Attorney William Landers, and Defendant appeared together with Attorney Dawn Spriggs.

Plaintiff served Defendant with a 30-day lease termination letter in an attempt to terminate an oral month-to-month tenancy in a manufactured home park. Plaintiff followed with a 3-day notice when Defendant failed to vacate the premises within the 30-day period. No other allegations were made by Plaintiff as grounds for restitution of the premises.

Plaintiff's Complaint for restitution of the premises is Dismissed, upon Motion of Attorney Spriggs. Plaintiff failed to establish that Defendant had become a holdover tenant in accordance with Revised Code Chapter 4781. Additionally, Plaintiff presented no evidence that Defendant had defaulted in the payment of rent, or otherwise breached the terms of the rental agreement. *Schwartz v. McAtee* 22 Ohio St.3d 14 (Ohio 1986).


Jerry S Packard, Magistrate
Date: June 29, 2015