

IN THE CHILLICOTHE MUNICIPAL COURT
CHILLICOTHE, OHIO

03 JAN -6 A10:34

NANCY PARKER, et al.,

Plaintiffs,

Case No. 02 CVH 362

-vs-

Judge STREET

TERRE HILES, aka
TERRE OLIVER, aka
TERRE GORDON,

ENTRY

Defendant.

This case came for hearing on December 30, 2002 on the damage claims of Plaintiffs. Present were Plaintiffs Nancy Parker and Koneta McDowell with counsel for the Plaintiffs, James Buchanan of Southeastern Ohio Legal Services. Defendant was served notice of the hearing but failed to appear.

The court heard evidence from the city and county housing inspectors and Plaintiffs Parker and McDowell and reviewed documents and photographic evidence. From the evidence it appears that the rental unit at 78 West Fourth Street was in poor condition, resulting in its condemnation by the city. The testimony of Plaintiff Parker was that the property had little fair market value and Plaintiff McDowell that the value was less than \$25 per week. Both Plaintiffs testified that they paid \$300 per month, with Nancy Parker paying for seven months and Koneta McDowell paying one month's rent.

Both Plaintiffs testified that they rented the property from Defendant, paid their rent to Defendant, requested repairs from Defendant and had all dealings regarding the premises with Defendant.

First, the court finds that Defendant was a landlord and Plaintiffs were tenants in rental premises, all as defined in O.R.C. 5321.01. Accordingly, the Court may determine the true rental value of the premises pursuant to Miller v. Ritchie, (1989), 45 Ohio St. 3d 222. The Court finds the fair rental value of the property to be \$75 per month for each of the units. Therefore, the Court finds that Plaintiff Parker is entitled to damages from the reduced value of the property in the amount of \$225 per month for seven months, or a total of \$1,575. Plaintiff McDowell is entitled to damages in the amount of \$225 for the reduced value of one month's rent.

In addition to the rent, Plaintiffs suffered damages as a result of the conditions and the illegal termination of utilities, previously restrained by this Court. Plaintiff Parker testified to damages in the amount of \$80 for an alternative heating source and is awarded that amount of damages. Plaintiff McDowell testified to a total expense of approximately \$250 for alternative sources of heat and water as well as other expenses, and she is awarded that amount.

Having found the damages listed above, the Court ORDERS, ADJUDGES and DECREES that Plaintiff, Nancy Parker, is awarded \$1,655 in damages and Plaintiff, Koneta McDowell is awarded \$475 in damages from Defendant, Terre Hiles. There

being no testimony from the other three Plaintiffs concerning the rent paid, the Court does not grant any damages to the remainder of the plaintiffs.

Costs to be paid by Defendant.

1-6-03
Date

John B. Reay
Judge JOHN STREET

Approved:

SOUTHEASTERN OHIO LEGAL SERVICES

James Buchanan
JAMES BUCHANAN (00 10244)
Attorneys for Plaintiffs

- cc: Nancy Parker
- James Parker
- Koneta McDowell
- Jeffrey Shouse
- Melissa King
- Terre Hiles

THE CLERK OF THIS COURT SHALL SERVE UPON ALL PARTIES, WHETHER OR NOT IN DEFAULT, NOTICE OF THIS JUDGEMENT AND THE DATE OF ITS ENTRY UPON THE JOURNAL, WITHIN THREE DAYS OF SUCH DATE.

John B. Reay
JUDGE