

GARFIELD HEIGHTS MUNICIPAL COURT
Cuyahoga County, Ohio

Pine Creek Properties

Plaintiff(s)

-vs-

Roddy Grier
9334 McCracken Boulevard
Garfield Heights, Oh 44125

Rachelle Grier
9334 McCracken Boulevard
Garfield Heights, Oh 44125

Defendant(s)

Case No.: CVG2102116

Judge Deborah J. Nicastro

MAGISTRATE'S DECISION AND JUDGMENT
ENTRY
(Forcible Entry and Detainer)

This matter came on for trial, pursuant to Notice and Order, on 1) First Cause of Action in Forcible Entry and Detainer or 2) Second Cause of Action in Forcible Entry and Detainer. The Court finds that all Defendant(s) were duly served with Summons according to law. All Plaintiff(s) were present/not present in Court. All Defendants(s) were present/not present in Court. D1 served: 07/06/2021 D2 served: 07/06/2021

[] 1. Upon application of the Plaintiff(s), the First Cause of Action/Second Cause of Action is dismissed with/without prejudice at Plaintiff's costs.

[] 2. The First Cause of Action/Second Cause of Action is dismissed without prejudice for want of prosecution at Plaintiff's costs.

[] 3. (FIRST CAUSE) Upon sworn testimony and evidence, the Court finds the right of Restitution in Plaintiff(s). It is hereby ordered that a Writ of Restitution shall issue on this date and the execution thereof shall issue _____, 20____. Defendant(s) shall pay the costs incurred herein. The Defendant(s) shall vacate the premises and remove all personal property on or before _____, 20____, or the Bailiff shall remove the Defendant(s) on the execution date. The landlord is responsible to preserve any personal property left on the premises by the tenant(s) after the locks are changed under supervision of the Court Bailiff until the time for appeal has expired. The landlord shall be liable to the tenant(s) for any damage caused by the landlord's willful damage or destruction of the property prior to said date. Notwithstanding, the landlord may remove the personal property and request the cost of removal and storage as damages at the second cause hearing.

The Plaintiff(s) shall notify the Court in writing on or before the execution date if he/she/it wants to proceed with the move out of the Defendants. Upon receipt of the written notice, the Bailiff will contact the Plaintiff(s) to arrange a time to meet at the premises. If the Plaintiff(s) want to cancel the move out on the scheduled date, they should call the Court at 216-475-1900. The Plaintiff(s) must make arrangements with a locksmith or otherwise to change the locks while the Bailiff is present.

[X] 4. (SECOND CAUSE) Upon sworn testimony and evidence presented, judgment is granted in favor of Plaintiff(s) and against Defendant(s)

RODDY GRIER AND RACHELLE GRIER

jointly and severally, in the amount of \$ 4,688.09, plus costs incurred herein and interest at the rate of 3.000% per annum from the date of this judgment. Execution may issue.

[] 5. (FIRST CAUSE/SECOND CAUSE) Upon sworn testimony and evidence presented, judgment is granted in favor of Defendant(s)

and against the Plaintiff(s) and the case is dismissed with prejudice. Plaintiff(s) to pay costs incurred herein.

[] 6. The Court finds that service of the Summons and Complaint has not been perfected. The Complaint will be dismissed without prejudice at Plaintiff's costs if service is not perfected within six (6) months from the date the Complaint was filed. The Clerk shall attempt service at the following address: _____

by (1) certified mail and certificate of mailing or (2) personal service at Plaintiff's costs.

A party shall not assign as error on appeal the court's adoption of any finding of fact or conclusion of law contained in this decision unless the party timely and specifically objects to that finding or conclusion. Civ. R. 53(D)(3).

IT IS SO ORDERED.

ED UNABLE TO DETERMINE FROM PICTURES THE NEED FOR PAINTING & PATCHING OF WALLS
AGREED TO: IN HOUSE (\$1,000.00). ALL OTHER CHARGES REASONABLE.

By _____

Magistrate Richard A. Kray

BY _____

Dated: 11-22-21

BY _____

BY _____

Judgement Entry

In accordance with Civil Rule 53, the Court hereby adopts the Magistrate's Decision above and enters judgment herein.

Dated: 11-22-21

M_P_FED.rtf (03/9/2020) V517

Judge