

FILED
DEC 24 1989

PORTAGE COUNTY MUNICIPAL COURT
RAVENNA DIVISION

STATE OF OHIO)
DELOREY) : SS
CLERK)
PORTAGE COUNTY)

CASE NO. R88CVE2278

MARY CUMMINGS)
& ANNA BELLE CLARK)

PLAINTIFFS)

-VS-)

BERNARD CORTESE)

DEFENDANT)

JUDGMENT ENTRY

O R D E R

This matter came on for trial on September 21, 1989, the parties herein being represented by their respective counsel. Upon consideration of the evidence presented and the arguments of counsel, the Court makes the following findings:

That the defendant, Bernard Cortese, failed to repair or correct defective conditions that existed in the apartments of both Mary Cummings and Annabelle Clark, that this failure to repair or correct the defects in the apartments of both plaintiffs reduced the value of said apartments to a value of \$125.00 per month; that plaintiff, Annabelle Clark is entitled to a reduction of rent in the amount of \$400.00 for failure of defendant to make repairs and correct said defects due to the fact that she did not notify defendant of said defects until June of 1988; that plaintiff, Mary

Cummings is entitled to a reduction of rent in the amount of \$495.00 for defendant's failure to repair said defects.

The Court further finds that, pursuant to defendant's letter under date of September 19, 1988, defendant, Bernard Cortese, wrongfully raised the rent of both plaintiffs, and that Mary Cummings, as a result of said letter, is entitled to judgment in the amount of \$275.00 and plaintiff, Annabelle Clark, is entitled to judgment in the amount of \$275.00. Plaintiff, Mary Cummings, also, sued for damages in tort for emotional distress suffered as a result of an alleged entry by a third party trying to come through her broken screen door.

The Court finds that the plaintiff, Mary Cummings, failed to establish by a preponderance of the evidence that the incident was caused by the negligence of defendant, Bernard Cortese, in not repairing said door, therefore, is not entitled to judgment for either in tort or affliction of emotional distress.

The Court further finds that money has been escrowed with the court by both plaintiffs herein for the last year in Rent Escrow Case Nos. 381 & 382.

The Court further finds that the defects have been corrected and after the amount of judgments as previously stated have been deducted from the rent monies escrowed and given to the plaintiffs herein, the balance of the escrowed monies will be turned over to the defendant, Bernard Cortese, said defendant to pay

court costs.

The Court further finds that the rent of plaintiffs apartments is at the level as to what said rents were prior to the letter of September 19, 1988.

SO ORDERED.



JOHN A. ENLOW, JUDGE