

PORTAGE COUNTY MUNICIPAL COURT
RAVENNA CIVIL DIVISION KENT CIVIL DIVISION
PO BOX 958 214 S WATER ST
RAVENNA OH 44266-0958 KENT OH 44240
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FILED

STATE OF OHIO

PORTAGE COUNTY MUNICIPAL COURT

PORTAGE COUNTY

SS

JUN 27 1997

CASE NUMBER:

R97 CVG 1046

***** DELORES REED, CLERK *****
RAVENNA, OHIO

SUMMIT MOBILE HOME PARK

PLAINTIFF

VS

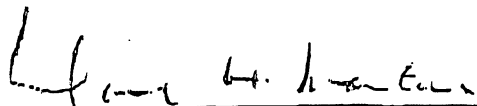
JUDGMENT ENTRY

LINDA BRODE & OCCUPANTS

DEFENDANT

THE COURT, HAVING REVIEWED THE FINDINGS AND RECOMMENDATIONS
OF THE REFEREE, APPROVES AND HEREBY ORDERS, ADJUDGES, AND DECREES
THAT THE SAME BE ENTERED OF RECORD AND MADE AN ORDER OF THIS COURT.

SO ORDERED.



JUDGE,
PORTAGE COUNTY MUNICIPAL

IN THE MUNICIPAL COURT
RAVENNA DIVISION
PORTAGE COUNTY, OHIO

SUMMIT MOBILE HOME PARK
PLAINTIFF
VS
LINDA BRODE & OCCUPANTS
DEFENDANT

CASE # R97 CVG 1048
FINDINGS OF THE REFEREE--FORCIBLE
ENTRY AND DETAINER

JUL 25 11 40 AM '97

HEARING DATE 5/29/97 COMPLAINT FILED 4/14/97 SERVICE DATE 4/28/97

PARTIES PRESENT PLAINTIFF
DEFENDANT

TYPE OF TENANCY: ORAL WRITTEN RENTAL AGREEMENT,
WRITTEN LEASE, SQUATTER, OTHER,

RESIDENTIAL (ORC 1721) COMMERCIAL (ORC 1915)
TRAILER PARK (ORC 3735)

COPY ATTACHED: YES/NO

PLAINTIFF: OWNER/AGENT

DELIVERED HOW?

BASIS OF FIRST CAUSE OF ACTION

TENANCY BEGAN ON: 8/1/86

RENT DEFAULT BEGINNING

TERM OF TENANCY: MS TO NO

TERMINATION OF PERIODIC TENANCY

RENT DUE ON: 1st

BREACH OF LEASE/RENTAL AGREEMENT TERM:

THREE DAY NOTICE TO VACATE

ITEM #

DELIVERED HOW? RESIDENCE

OTHER

DATE DELIVERED: 4/1/97

PREMISES VACATED ON

COPY ATTACHED: YES/NO

KEY RETURNED ON

THIS CAUSE CAME ON FOR HEARING BEFORE THE REFEREE AS REGULARLY ASSIGNED BY THE COURT, EVIDENCE AND TESTIMONY WERE RECEIVED AND THE ABOVE FACTS WERE FOUND TO BE TRUE. AFTER FINDING JURISDICTION AND VENUE TO BE PROPER, THE REFEREE FINDS THAT:

A WRIT OF RESTITUTION IS TO ISSUE AGAINST THE DEFENDANT AS PRAYED

A WRIT OF RESTITUTION IS DENIED BECAUSE

SEE ATTACHED FINDINGS.

A WRIT OF RESTITUTION IS TO ISSUE BY AGREEMENT AGAINST THE NAMED DEFENDANTS AS PRAYED, BUT IS NOT TO BE EXECUTED IF:

PLAINTIFF

DEFENDANT

THE FIRST CAUSE OF ACTION IS Moot AND THEREFORE DISMISSED BY THE PLAINTIFF, WITHOUT PREJUDICE.

THE SECOND CAUSE OF ACTION IS PENDING UNTIL ANSWER DATE.

John P. Merrill
REFEREE

*Copy of Rules given to defendant.
Identified rules, page 5, T
60 days to place approved utility
shed on site. M Esh C - from filled
out by tenant. Def. installed
cellular type utility building rather
than lawn style. M Esh C1-3
photos of utility shed, not lawn
style, has shed roof instead of 3
peaks, are trying to standardize
buildings, uniformly applied, was
in past since 2/84 for this type of
shed. Issued 30 day notice. M Esh C-
30 day letter. 2/27/97. Issued by*

REVENUE BRANCH

Summit Mobile Home Park
PLAINTIFF

CASE NUMBER R97CV5-1046

VS
Brode
DEFENDANT

FINDINGS AND ~~REPORT~~ ^{DECISION}
OF ~~JUDGE~~ ^{MAGISTRATE}

Findings and Decision:

1. Plaintiff is the landlord and defendant is the tenant under an oral month to month rental agreement which began 8/15/96. The property involved is a lot in a mobile home park. Defendant received a copy of the park rules at the time she moved in. Rule II T provides: "All new residents have sixty (60) days to place an approved utility building upon their site." Defendant, at the time of move-in, also received and signed Pl. Ex. B, which is a letter concerning the utility building with a diagram of a utility building toward the bottom of the page. Defendant did install a utility building as required, but it is differently-shaped than the diagram at the bottom of Pl. Ex. B (see Pl. Ex. C1, C2, C3). Plaintiff testified that the purpose of this rule was to standardize the utility buildings, and that the rule has been uniformly applied since it was instituted.

5/29/97
DATE

Alan P. Auld
REFEREE

RAVENNA BRANCH

SUMMIT MOBILE HOME V Park '87
PLAINTIFF

CASE NUMBER R97CVG 1046

VS
PRODE

DEFENDANT

DELOTTED
CLERK

FINDINGS AND ^{DECISION}~~REPORT~~
OF ^{MAGISTRATE}~~REFeree~~

2. Magistrate finds that Pl Exh B does not make it clear that the utility building next to the house is precisely like the diagram at the bottom of the page; that the book rules do not indicate how a utility shed is to be approved by the park; that plaintiff acted reasonably and that her violation of the rules was not willful and was committed in good faith, and that, therefore, the writ of interdiction should be denied.

5/29/97
DATE

John P. McMill
REFEREE