

IN THE HOCKING COUNTY MUNICIPAL COURT
LOGAN, OHIO

Cheryl Lindsey Smith,

:

Case No. CVG0800217

Plaintiff,

:

Judgment Entry

Vs.

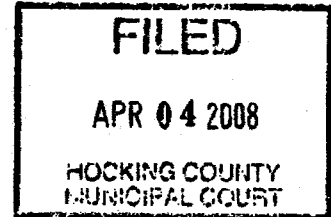
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James Donaldson, et al,

:

Defendants.

:



This matter came on for hearing on the Plaintiff's first cause of action on April 3, 2008. Plaintiff, Cheryl L. Smith appeared representing herself. James Donaldson and Shannon Donaldson appeared represented by Attorney Ben Horne of Lancaster, Ohio. A hearing was held at which the Donaldsons maintained that the 30 day notice time to vacate the premises under O.R.C. Section 5321.17 had not ended at the time the complaint was filed.

Upon review of the file, the testimony, and exhibits, the Court finds:

That the 30 day notice to vacate was provided on February 14, 2008;

That the lease was a month to month lease;

That the month to month period ran from the 7th day of each month;

That the lease is to terminate on April 6, 2008;

That this is because the 30 day notice provided on February 14, 2008 was effective on the start of the next rental period, which was March 7, 2008;

That from March 7, 2008 the 30 day period expires on April 6, 2008.

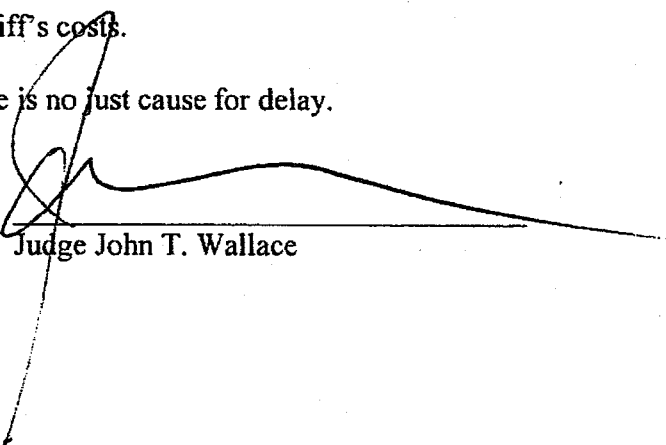
Therefore, the complaint was filed early and should be dismissed. Detweiler v.

Galt, 2001 WL 1682822 (Ohio App. 4 Dist.), 2001 Ohio 2646. Also, the 3 day notice

was presented to Mr. and Mrs. Donaldson on February 14, 2008. This notice should not have been presented at the same time as the notice to vacate in 30 days.

The complaint is dismissed at Plaintiff's costs.

This is a final appealable order, there is no just cause for delay.



Judge John T. Wallace

Copy to:
Ms. Smith
Attorney Horne