

IN THE CLINTON COUNTY MUNICIPAL COURT

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SHOWE MANAGEMENT
CORPORATION
Plaintiff

CASE NUMBER: 12-CVG-00724

-VS-

MAGISTRATE'S ORDER AND DECISION
(After evidentiary hearing)

PAMELA WRIGHT, et al.
Defendant

CLINTON COUNTY MUNICIPAL COURT
OCT 26 2012
SARAH JANEY

SCANNED
OCT 29 2012

This matter came on for hearing before Magistrate Robert C. Peelle, on October 9, 2012, pursuant to an Order of Reference, for hearing upon Plaintiff's complaint in forcible entry and detainer. Present at hearing were:

C. BERNARD BRUSH for Plaintiff and LORI ELLIOTT for defendant.

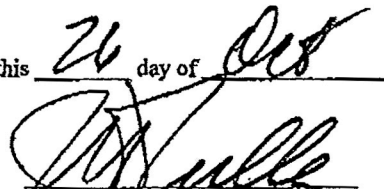
PLAINTIFF FILED A FORCIBLE ENTRY AND DETAINER ACTION AGAINST DEFENDANT. AS GROUNDS, PLAINTIFF STATES THAT DEFENDANT DID NOT REIMBURSE PLAINTIFF IN THE AMOUNT OF \$267.50 FOR THE TREATMENT OF BED BUGS. THE DEFENDANT ADMITS THAT SHE DID NOT REIMBURSE PLAINTIFF. THE ONLY ISSUE TO DECIDE IS WHETHER OR NOT DEFENDANT WAS OBLIGATED TO DO SO UNDER THE CIRCUMSTANCES.

DEFENDANT HAS OCCUPIED THE PREMESIS FOR APPROXIMATELY THREE YEARS. HER RESIDENCE HAS ALWAYS PASSED ANNUAL INSPECTIONS WITHOUT ANY INCIDENT. THE MANNER IN WHICH THE BEDBUGS ARRIVED IS NOT DETERMINABLE ACCORDING TO THE ORKIN MAN WHO TESTIFIED THAT HE TREATED THE PLACE.

THE LEASE DOES NOT SPECIFY WHO PAYS FOR THE TREATMENT OF BEDBUGS. HOWEVER, A LANDLORD MUST KEEP BUILDINGS FREE OF HEALTH AND SAFETY HAZARDS (ORC 5321). IT IS THE DECISION OF THE MAGISTRATE THAT THE PLAINTIFF'S CASE SHOULD BE AND IS HEREBY DISMISSED WITH PREJUDICE AT COSTS TO PLAINTIFF.

IT CAN BE NOTED THAT DEFENDANT DID NOT APPEAR TO DO EVERYTHING ASKED OF HER WHILE THE BEDBUG TREATMENTS WERE BEING DONE. HOWEVER, DEFENDANT'S FAILURE TO COMPLY WITH THE ORKIN CHECKLIST WAS NOT THE CAUSE OF THE BEDBUGS NOR DID IT COST PLAINTIFF ANY ADDITIONAL MONEY.

Enter this 26 day of Oct 2012.


Robert C. Peelle, Magistrate

NOTICE TO PARTIES AND COUNSEL OF RECORD

Pursuant to Ohio Rules of Civil Procedure, Civ. R. 53, all parties and counsel of record are hereby advised that either or both parties may file written objections to the Magistrate's Decision within fourteen (14) days of the filing of the decision, regardless of whether the Court has adopted the decision pursuant to Civ. R. 53(D)(4). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. Objections shall be specific and state with particularity the grounds of objection.

A party shall not as an error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ. R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ. R. 53(D)(3)(b).

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JUDGMENT

The court adopts the Magistrate's Order and Decision as its own as if fully rewritten herein effective immediately pursuant to Rule 53(D)(4), Ohio Rules of Civil Procedure.

Dated: 10/26 2012


Chad L. Carey, Judge

FILED
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