

IN THE AKRON MUNICIPAL COURT
SUMMIT COUNTY, OHIO

FAYE A SMITH

Plaintiff

V

RASHAWN CADE, EURENA BELCHER AND ALL OCC

Defendant

CASE NO: 21 CVG: 2160

MAGISTRATE'S FINDING OF FACT AND

CONCLUSION OF LAW:

Forcible Entry and Detainer Action

Findings of Fact: This case was filed on March 25, 2021. The first cause was served by Reg. mail D1/D2, posting D1/D2,
certified mail D1/D2. The second cause has been properly served, or ☐ there was no second cause.
This case is set for hearing on May 4, 2021. The Plaintiff was in court ☒ (with) ☐ (by)
counsel. The Defendant(s) was in court ☒ (with) ☐ (by) counsel.
Plaintiff is found to have a possessory interest in 1822 Shaw Ave., Akron, OH 44305 as
☒ owner ☐ agent ☐ lessor. A copy of Plaintiff's possessory interest is attached to the complaint. The property
is registered with Summit County. A copy of the Summit County registration is attached to the complaint. The
property is registered with the City of Akron. A copy of the City of Akron registration is attached to the complaint.
Defendant has a tenancy in this property pursuant to ☒ (lease) ☐ (Section 8) ☐ (month to month) ☐ (verbal)
☐ (other): . A copy of the lease is attached to the complaint. Rent per month is
\$ 875.00. Rent is due on the 8 of each month, with a grace period until the 9 of each month. A security deposit
of \$ 875.00 was paid.

Rent in the amount of \$ 1,350.00 was last received on Feb. 8, 2021 for Dec./Jan. rent in 2021. A Lawful statutory
notice was properly served on the Defendant on March 13, 2021, which was at least three days before
the complaint was served by: ☐ Hand Delivered ☐ Certified Mail ☐ Posting at Premises. A copy of the notice
is attached to the complaint. ☐ A copy of the notice was served upon AMHA. Termination of Lease notice was
served on .

Other facts entitling ☐ PLAINTIFF ☒ DEFENDANT to judgment: ☐ failure to pay rent ☐ maintains possession ☒ other.

This case was filed as a non-payment of rent with a 3-day notice. Defendant applied for and was approved for Summit Cares rental assistance. Plaintiff
refuses to accept Cares money to satisfy unpaid rent. Plaintiff made a motion to amend the complaint for lease violations, but that motion is
denied because notice was inadequate. Akron City Ordinance 150.52 "pay to stay" provides an affirmative defense to the eviction action.

Conclusion of Law: It is decision of the Magistrate that a writ ☐ BE ☒ NOT BE allowed. It is further the decision of the
Magistrate that:

☐ The second cause in this matter be continued, or ☐ this case be transferred to the administrative docket until service
of the second cause is perfected, or ☒ that this case be concluded because ☐ there is no second cause or ☒ both causes
are dismissed or ☐ the second cause is dismissed for failure to state a recoverable claim.

MAGISTRATE

PURSUANT TO CIV. R.58(B), THE CLERK OF COURTS SHALL WITHIN THREE (3) DAYS OF THE FILING OF THIS
DECISION SERVE UPON ALL PARTIES NOT IN DEFAULT FOR FAILURE TO APPEAR NOTICE OF THIS
JUDGMENT ENTRY AND ITS DATE OF ENTRY UPON THE JOURNAL OF THE COURT.