

IN THE MOUNT VERNON MUNICIPAL COURT
MOUNT VERNON, OHIO

TRUSTEE OF THE KOKOSING
VALLEY TRUST,

Plaintiff

VS.

JOSHUA MYERS,

Defendant

CASE NO. 13 CVG 00428

AUG 19 2013
MOUNT VERNON MUNICIPAL COURT
KATELYN SAVAGE
CLERK

JOURNAL ENTRY

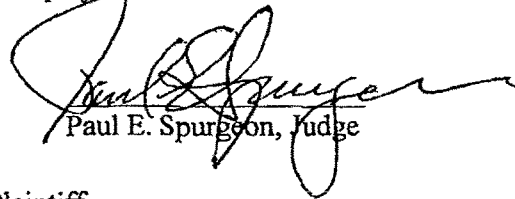
Attorney Phillip D. Lehmkuhl appeared in behalf of the Plaintiff. The Plaintiff was present in the person of George Ellis.

Attorney Dennis Harrington appeared in behalf of the Defendant. The Defendant Joshua Myers was present.

Upon due consideration of the Defendant's motion, the Court finds that the "Notice to Leave Premises" is defective because it fails to include the name of the Plaintiff to the eviction action. The notice must be signed by the party that will bring the eviction action. In this matter the three day notice did not contain the name of the Plaintiff, "Kokosing Valley Trust", therefore the notice is defective.

Further since the Plaintiff is a separate legal entity; the complaint must be signed by a person authorized to practice law in the State of Ohio. *Williams v. Global Construction Co.* 26 Ohio App. 3d 119, 498 N.E.2d 500 (Franklin Co.). The fact that an attorney at law appears at the hearing does not cure the defect that the complaint was not signed by an attorney. *Fone-X Inc. v. Strohm*, 1991 WL 261824 (Ohio App., Licking Cty., Nov 12, 1991).

Therefore, this matter is dismissed without prejudice.



Paul E. Spurgeon, Judge

cc: Phillip D. Lehmkuhl, Attorney for the Plaintiff
Dennis Harrington, Attorney for the Defendant