

STATE OF OHIO)
) SS:
SUMMIT COUNTY)

IN THE BARBERTON MUNICIPAL COURT

03 JUL 9 AM 11:26

PAMELA D. WAYLAND,)
)
Plaintiff(s))
Vs.)
)
CHERYL L. PLYMIRE,)
)
Defendant(s))

CASE NO. 03 CVG 987

DISMISSAL ENTRY

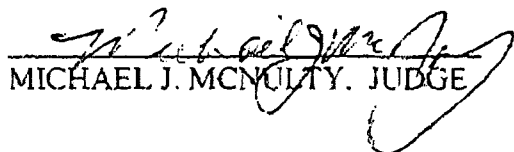
JULY 9, 2003

This matter came on for a hearing on the plaintiff's complaint in Forcible Entry and Detainer.

Based on the evidence presented, defense counsel argues that the plaintiff's notice to vacate the premises is invalid for the following reasons:

1. The plaintiff failed to properly calculate the three day time requirement in the notice in accordance with ORC Sect 1.14. i.e. the third day was on a Sunday and the complaint herein was filed on the next day.
2. That the tenant was not in default of her rental obligation on June 12, 2003 when the three-day notice was filed. \$577.00 had been paid on her behalf by AMHA on the first of June, which more than covered tenant's obligation through June 12th.
3. The landlord accepted another rental payment from AMHA on July 1, 2003 in the amount of \$577.00; part of which would have been for July's rent.

Based on the foregoing, the three-day notice required by Section 1923.01 was invalid. Therefore, the Court has no choice other than to dismiss the plaintiff's complaint. It is so Ordered.


MICHAEL J. MCNULTY, JUDGE

cc: Plaintiff
Defendant / Atty.
File