

FILED
IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

ERIC R. CROW, et al. 2016 DEC -5 PM 2:41

Plaintiffs, CLY A. FERGUSON, CLERK MUNICIPAL COURT CASE NO. 15CVF02981

v.

BY *OO* DEPUTY

MARGARET BALDINO

* DECISION AND ENTRY

Defendant.

*

* * * * *

This matter came before the Court on December 1, 2016 for trial to the court. The plaintiffs were present and represented by Attorney Andrew Elder. The defendant appeared without counsel. Based upon the evidence presented, the Court makes the following findings and orders.

On November 12, 2012, Plaintiffs Eric Crow and Theresa Crow entered into a lease agreement with Defendant Margaret Baldino for the first floor premises of 1335 North Limestone Street in Springfield, Ohio. The written lease was for a term of 12 months, and provided that the tenancy would continue thereafter on a month-to-month basis, until a 30-day notice of termination was given. Among other terms, the lease provided in its Section XVII that the defendant-lessee was required to surrender possession of the leased premises "in as good condition as they are upon the commencement of the term, reasonable wear and tear, permitted alterations, and improvements and damage by casualty excepted." During the defendant's tenancy, the leased premises were used primarily by the defendant's son, Kenneth Hendrick, for his computer repair business. The defendant surrendered possession by vacating the leased premises at the end of August 2014. When the defendant-lessee surrendered possession of the leased premises in August 2014, she left it in a condition appreciably worse than it was at the commencement of the lease term in November 2012. The plaintiffs incurred expenses in the amount of \$4,626.00 to repair the premises to its pre-lease condition. The plaintiffs applied the defendant's \$600.00 security deposit to offset a portion of the expenses incurred.

The Court finds that Defendant Margaret Baldino breached the condition of the lease that she surrender possession of the leased premises "in as good condition as they are upon the commencement of the term, reasonable wear and tear, permitted alterations, and improvements and damage by casualty excepted." As a result of the defendant's breach, the plaintiffs suffered damages in the amount of \$4,026.00.

IT IS ORDERED that judgment is granted in favor of the Plaintiffs, Eric Crow and Theresa Crow, and against Defendant Margaret Baldino, in the amount of \$4,026.00,

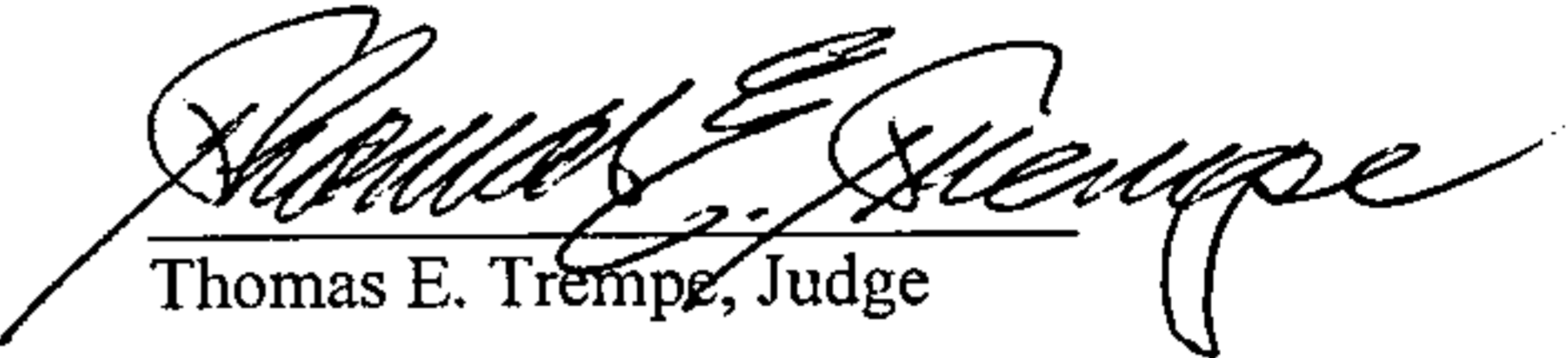
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interest, and costs.

This is a final appealable order.


Thomas E. Trempe, Judge

cc: Andrew Elder, Attorney for Plaintiffs
Margaret Baldino, Defendant

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CLARK COUNTY MUNICIPAL COURT