




15CVF02981

**IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION**

FILED
2016 JUL 26 PM 12:44
BOY A. FERGUSON, CLERK
MUNICIPAL COURT
BY  **DEPUTY**

Case No.

Eric Crow
5335 Lehman Road
Springfield, Ohio 45502
Plaintiff,

Theresa Crow
5335 Lehman Road
Springfield, Ohio 45502
Plaintiff,

and

Andrew H. Elder,
Elder & Elder,
Attorney at Law
2233 N. Limestone Street
Springfield, Ohio 45503
Attorney for Plaintiffs,

JUDGE

MOTION TO INTERVENE

-v-

Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
Defendant,

and

James E. Heath
Ronemus & Heath,
Attorney at Law
5 East Columbia St.
Springfield, Ohio 45502
Attorney for Defendant,

In re: Case No. 15CVF02981

Comes now, a third party to the case afore-titled, Kenneth Hendrick, Pro Se Litigant and resident of Clark County, domiciled at 2803 Troy Road in Springfield Ohio, states as follows:

MOTION TO INTERVENE

1). The named Defendant is not the correct party to the Plaintiff's Complaint.

As indicated by the attached **Exhibit # 1**, the Plaintiff recognizes that Kenneth is the correct party to the Plaintiff's Case.

It is requested of the Court that this case be dismissed on the grounds that the Plaintiff has knowingly drawn into Court the wrong party. (see Exhibit #1)

2). The Plaintiff has acknowledged that Kenneth Baldino is the correct party to this case.

Albeit an incorrect version of the spelling of the name Kenneth Hendrick, which is not being disputed here, the Plaintiff's document does not state any other person, only Kenneth Baldino. Furthermore, acknowledgment to the Plaintiff's letter was, in fact, made to the Plaintiff that the Plaintiff had the correct party to the issues.

As shown by Exhibit #1, namely line #3, Kenneth Hendrick clearly has complied with the Plaintiff's instruction that this issue would be directed to some other person *provided* that Kenneth Baldino so state. No such statement to the contrary was made to the Plaintiff and therefore affirmation to the matter at hand was made.

"3. The debt described in the complaint will be assumed to be valid by us, unless, within 30 days after the receipt of this notice, you dispute the validity of all or some portion of the debt." (*see Exhibit #1, namely line #3)

Again, only Kenneth is named in the notice made by the Plaintiff.

The validity, nor the debt, nor the person directed as the recipient of the Plaintiff's letter was in dispute.

3.) Lack of Subject Matter Jurisdiction exists with Margaret Baldino as the named Defendant.

No evidence has been produced by the Plaintiff to justify that this case should be directed to another

party, namely Margaret Baldino. Margaret Baldino's Lease expired prior to the Plaintiff's damage and is outside of the scope of the Lawful allowable time frame in relation to Margaret Baldino's Lease Agreement.

Plaintiff's Filing against Margaret Baldino, if permitted, would nullify or alter the Law, namely: Oh. Rev. Code § 2305.10(A)
2305.10 Bodily injury or injury to personal property.

(A) "...an action based on injuring personal property shall be brought within two years after the cause of action accrues..."

4.) Plaintiff's Misdirection is causing harm to an innocent in this case.

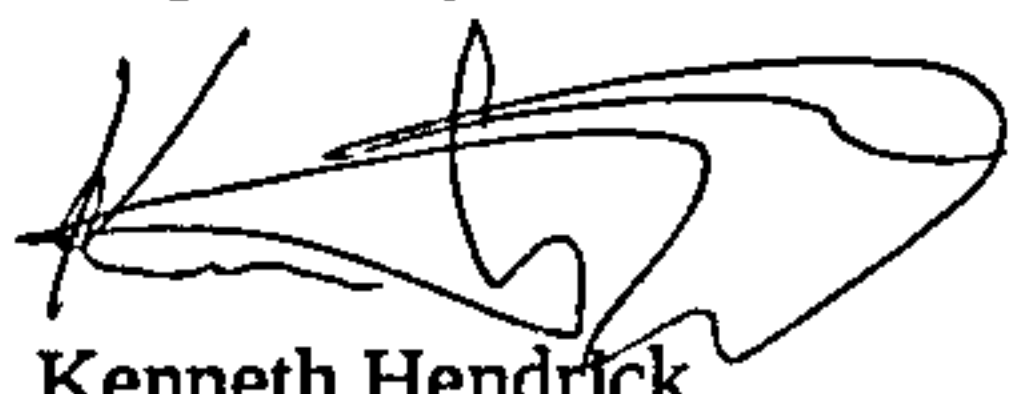
Margaret Baldino is 70+ years of age, hasn't any knowledge to the damages that occurred after her Lease Agreement, was not a resident of Ohio during said damages and claim, was domiciled in the State of Florida as the Court Record has reflected (see Court Records, namely Motion To Vacate Hearing, and Entry To Vacate Hearing). (see Exhibit #2)

Margaret Baldino could not possibly have been present during the time of Plaintiff's claimed damages, nor has anything to offer the court for an expedient end to these matters. That, without cause or supporting evidence by the Plaintiff, there is no known or claimed damages which occurred during the scope of Margaret Baldino's Lease Agreement.

WHEREFORE, Pro Se Litigant, Kenneth Hendrick, attests that all the foregoing is correct and true, and respectfully requests the Court's Review and consideration that this matter reflect the correct party to this case, as allowable by Law.

The request is made that Margaret Baldino be released to return to her free choice of Florida State if she so desires, and that allowing further action against the now-named Defendant by the named-Plaintiff, or it's Attorneys, ought to require lawful evidence, that the Defendant should be receiving this undue stress, undue loss, and the intrusion of this Legal Matter into the Defendant's remaining time on this planet.

Respectfully Submitted,



Kenneth Hendrick

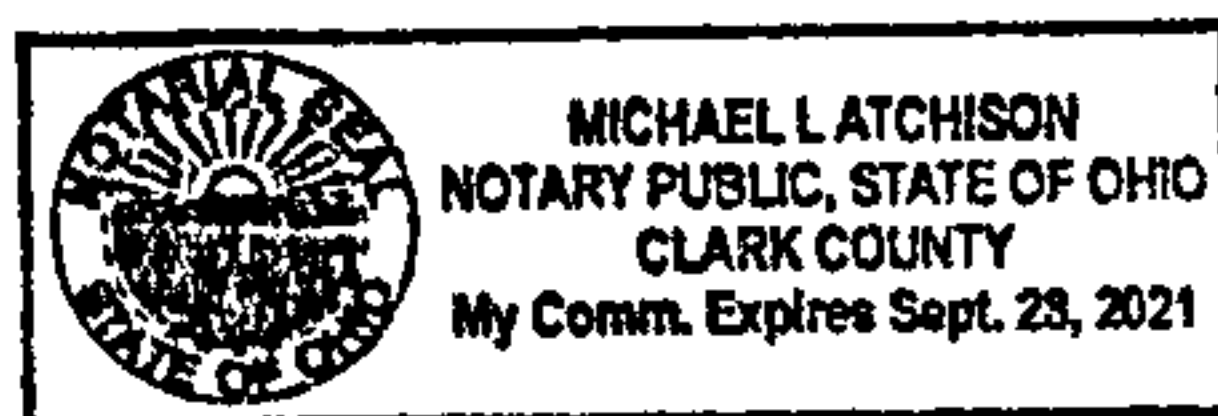
2803 Troy Road

Springfield, Ohio 45504

(937) 718-3586

Kennethhendrick@yandex.com

Pro Se & amen




WILLIAM & ANNE
ORIGINATOR: [illegible]
TYPE: [illegible]
DATE: [illegible]

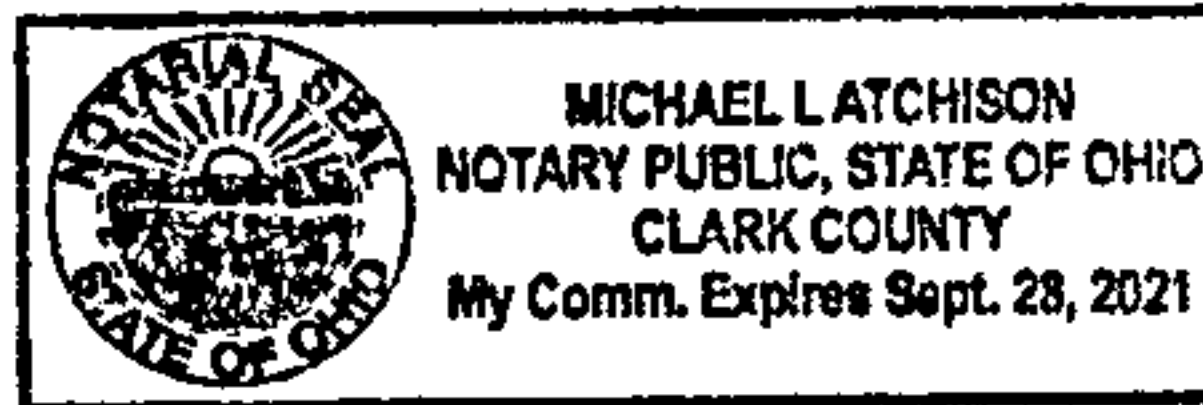
CERTIFICATE OF SERVICE

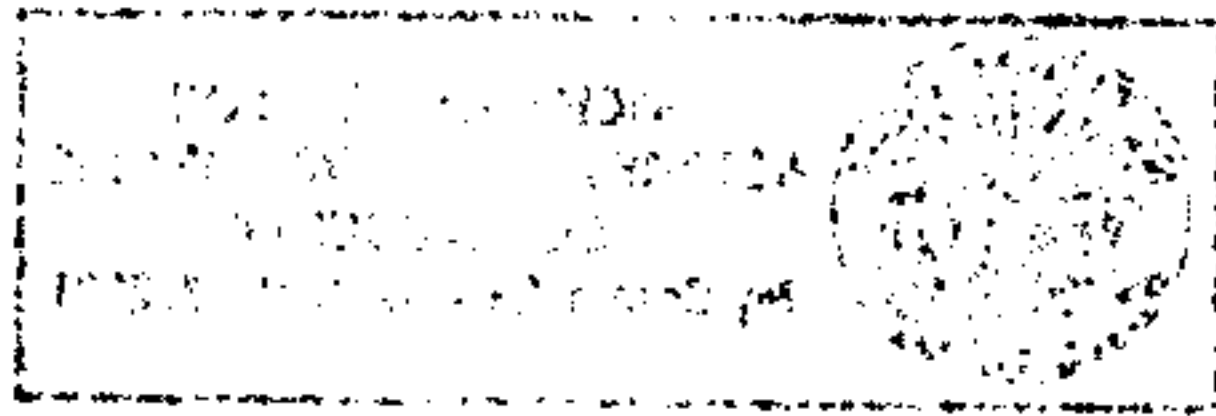
A Copy of this Answer was mailed to all parties and their Attorney on the 25 day of July 2016

Signed, *Pro Se* Litigant,



Kenneth Hendrick





FILED
2016 JUL 26 PM 12:44
BOY A. FERGUSON, CLERK
MUNICIPAL COURT
DEPUTY

All Purpose Acknowledgement

State of: OHIO


County of: CLARK

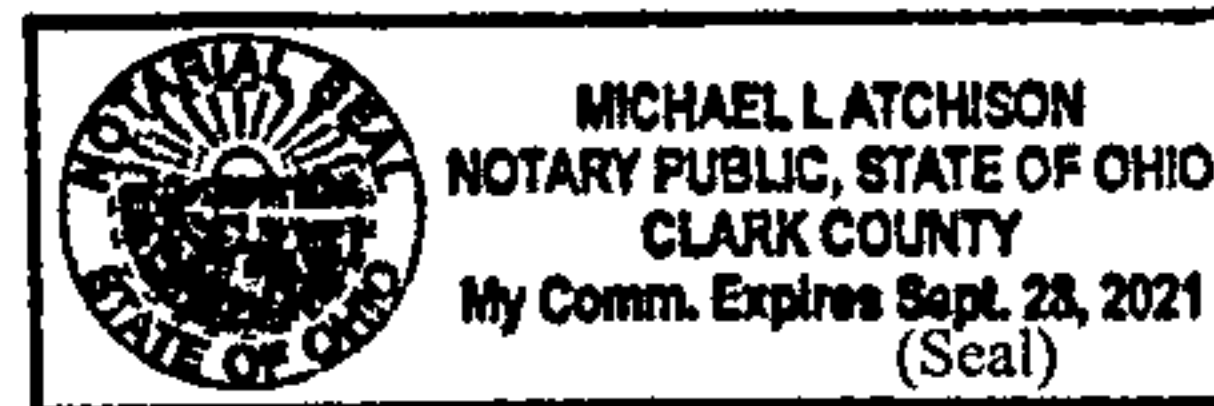
On this 24TH day of JULY 2016, before me

MICHAEL L ATCHISON, a Notary Public, personally appeared

KENNETH EUGENE HENDRICK,
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument.

Witness my hand and seal:


Printed Name: MICHAEL L ATCHISON
My commission expires: 9/28/21



DESCRIPTION OF ATTACHED DOCUMENT:

Title or Type of Document: MOTION TO INTERVENE, CERTIFICATE OF SERVICE

Document Date: 25 JULY 2016 Number of Pages: 4, 1

Signers other than named above: NONE

FAIR DEBT COLLECTION ACT NOTICE

To: Kenneth Baldino ?
2803 Troy Road
Springfield, Ohio 45504

Re: 1335 N. Limestone Street

If your name appears in the complaint and/or letter to which this is attached, the following notice applies to you.

1. The amount of the debt is stated in the complaint and/or letter.
2. The plaintiff or party as named in the complaint and/or letter is the creditor to whom the debt is owned.
3. The debt described in the complaint and/or letter will be assumed to be valid by us, unless, within 30 days after the receipt of this notice, you dispute the validity of all or some portion of the debt.
4. If you notify us, in writing, within 30 days of the receipt of this notice that the debt or any portion of the debt is disputed, we will obtain a verification of the debt and a copy of verification will be mailed to you by us.
5. If the creditor named as plaintiff in the complaint and/or letter is not the original creditor, and if you make a written request to us within 30 days from the receipt of this notice, the name and address of the original creditor will be mailed to you by us.
6. Written notices and requests should be addressed to Andrew H. Elder of Elder Roberts & Elder at 2233 N. Limestone Street, Springfield, OH 45503.
7. Any and all information gathered shall be utilized in collection of this debt.

4-6-15



Andrew H. Elder

Exhibit 1

App
10.1

FILED

2016 FEB 17 PM 2:46

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO

ERIC R. CROW, et al.
A. FERGUSON, CLERK
MUNICIPAL COURT

:

CASE NO. 15CVF02981

:

Plaintiff
VS. *A* DEPUTY

:

MARGARET BALDINO

MOTION TO VACATE HEARING

:

Defendant

:

Now comes Defendant, by and through counsel, and hereby moves the Court to vacate the pretrial conference scheduled for February 23, 2016 at 1:45 p.m. and to reschedule for the reason that Defendant is a temporary resident of Florida during the winter months and will not return to Ohio until about May 1, 2016.

RONEMUS & HEATH CO., L.P.A.

James E. Heath

JAMES E. HEATH (#0003757)
Attorney for Defendant
5 East Columbia Street
Springfield, Ohio 45502
Telephone: (937) 325-2492
Telefax: (937) 325-7567

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon Andrew H. Elder, Attorney for Plaintiffs, at Elder & Elder, 2233 N. Limestone Street, Springfield, OH 45503, by facsimile (937) 399-6622, on this 14 day of February, 2016.

James E. Heath

JAMES E. HEATH

Exhibit 2

RONEMUS & HEATH
CO., L.P.A.
ATTORNEYS AT LAW
5 EAST COLUMBIA ST.
SPRINGFIELD, OHIO
45502-1113
937-325-2492