

**IN THE MUNICIPAL COURT OF FAIRFIELD COUNTY, OHIO
SMALL CLAIMS DIVISION**

FAIRFIELD COUNTY
COURT
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Chevington Woods Civic Association,

PLAINTIFF,

CASE NO. 10 CVI 00889

FILED
SHERRY L. ECKMAN
CLERK OF COURT

vs.

Karen Edwards

DEFENDANT.

**MAGISTRATE'S FINDINGS OF FACTS,
CONCLUSIONS OF LAW AND DECISION**

This cause came on for Hearing on the 28th day of April, 2010 before Magistrate, Frank W. Green. Both parties appeared. James Murphy, Treasurer, appeared on behalf of Plaintiff. Plaintiff was represented by Craig J. Spadafore, Attorney at Law, 266 North Fourth Street, Columbus, OH 43215. Defendant was not represented by counsel.

Based on the evidence presented and weighing the credibility of the witnesses, the Magistrate makes the following Findings of Fact, Conclusions of Law, and Decision.

FINDINGS OF FACT

The Magistrate finds as follows:

1. On March 15, 2010 Plaintiff filed a Complaint against Defendant alleging it was owed the sum of \$220.00 for homeowners association dues that remain unpaid.
2. At all times herein, Defendant was the owner of the residence property located at 8855 Chevington Court, Pickerington, OH 43147. The property owned by Defendant is subject to conditions, restrictions, and modification of

restrictions contained in prior deeds of record and referred to in Defendant's deed of transfer. Recorded modifications to the restrictions provide for a homeowners association and that each lot owner agrees to become a member and be subject to the obligations and duly enacted by-laws and rules of the association. The Code of Regulations (Constitution and By-Laws) of the Chevington Woods Civic Association provides for dues.

3. Plaintiff introduced into evidence "Exhibit C" which was an accounts receivable register for the Defendant's property indicating that there were dues owed in the sum of \$220.00.

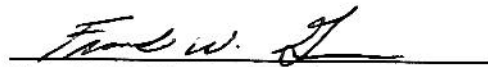
CONCLUSIONS OF LAW

1. Defendant breached the agreement between the parties by failing to pay the Homeowners Association dues and as a result, Plaintiff is entitled to judgment in the sum of \$220.00.

MAGISTRATE'S DECISION

Judgment for Plaintiff against the Defendant in the sum of \$220.00 plus interest at the rate of 4% per annum from the date of judgment and costs.

Date: July 7, 2010


Frank W. Green, Magistrate

A copy of the foregoing Magistrate's Findings of Fact, Conclusions of Law, and Decision was served upon the parties by regular U.S. Mail on this 8th day of July, 2010.

- Craig J. Spadafore, Esq.
266 North Fourth Street
Columbus, OH 43215
- Karen Edwards
8855 Chevington Court
Pickerington, OH 43147

MUNICIPAL COURT OF FAIRFIELD COUNTY, OHIO
SMALL CLAIMS DIVISION

BY 

WITHIN FOURTEEN DAYS FROM THE FILING OF THE MAGISTRATE'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION, ANY PARTY MAY SERVE UPON THE OTHER PARTY AND FILE WITH THE COURT, WRITTEN OBJECTIONS TO THE MAGISTRATE'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION. THE COURT COSTS ARE \$25.00.

A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FINDING OF FACT OR CONCLUSION OF LAW CONTAINED IN THIS DECISION UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FINDING OR CONCLUSION. Civ. R. 53(E)(3).