

IN THE MUNICIPAL COURT OF CLARK COUNTY, OHIO
CIVIL DIVISION

FILED

2016 NOV 17 PM 12:17

BY A. HUGHSON, CLERK
MUNICIPAL COURT

BY AP DEPUTY

Eric and Theresa Crow
5335 Lehman Road
Springfield, Ohio 45502
Plaintiff's,

and

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

Memorandum to
address Plaintiff's allegation of
Defendant's unauthorized use of
Plaintiff's Fireplace

-v-

Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
Defendant,

In re: Case No. 15CVF02981

Margaret Baldino, Defendant in this case, state as follows:

1.) The Plaintiff's claim is in error in regard to the allegation that Defendant caused damage by firing up the Fireplace within the Plaintiff's Leased Premises.

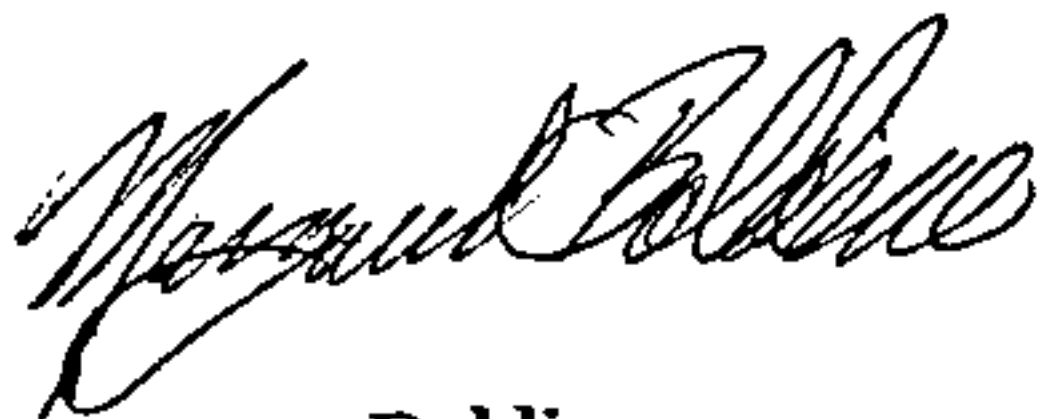
Attached herein is a page from a disclosure document packet signed by the Plaintiffs which states the Fireplace was in fact in proper working order. This signed, and initialed document packet is dated in late 2011 which is prior to Defendant having signed The Lease with the Plaintiffs.

2.) Nowhere within The Lease Agreement is it stated that the Fireplace had become non-operable.

3.) It should be noted also that the only time that the Plaintiff's fireplace was fired up was during a winter blast in which the Plaintiff's furnace, among other electrical deficiencies, was not in operation.

In closing, the Plaintiff has no just cause for claim against the Defendant, and the Defendant moves the Court for dismissal of the Plaintiff's Claim.

Respectfully,



Margaret Baldino
1734 Yardley Circle
Centerville, Ohio 45459
(727) 278-0954

CERTIFICATE OF SERVICE

**A Copy of this Notice was mailed to the Plaintiff
and their Attorney on the 17 day of November 2016**

Property Address 1335 N Limestone, Springfield, OR 45503

B) SEWER SYSTEM: The nature of the sanitary sewer system servicing the property is (check appropriate boxes):

- Public Sewer
- Leach Field
- Unknown
- Private Sewer
- Aeration Tank
- Other _____
- Septic Tank
- Filtration Bed

If not a public or private sewer, date of last inspection: _____

Do you know of any current leaks, backups or other material problems with the sewer system servicing the property? Yes No

If "Yes", please describe: _____

If owner knows of any leaks, backups or other material problems with the sewer system since owning the property (but not longer than the past 5 years), please describe and indicate any repairs completed: _____

Information on the operation and maintenance of the type of sewage system serving the property is available from the department of health or the board of health of the health district in which the property is located.

C) ROOF: Do you know of any current leaks or other material problems with the roof or rain gutters? Yes No

If "Yes", please describe: _____

If owner knows of any leaks or other material problems with the roof or rain gutters since owning the property (but not longer than the past 5 years), please describe and indicate any repairs completed: _____

D) WATER INTRUSION: Do you know of any previous or current water damage, water accumulation, excess moisture or other defects to the property, including but not limited to any area below grade, basement or crawl space? Yes No

If "Yes", please describe and indicate any repairs completed: _____

Do you know of any water or moisture related damage to floors, walls or ceilings as a result of flooding; moisture seepage; moisture condensation; ice damming; sewer overflow/backup; or leaking pipes, plumbing fixtures, or appliances? Yes No

If "Yes", please describe and indicate any repairs completed: _____

Purchaser is advised that every home contains mold. Some people are more sensitive to mold than others. If concerned about this issue, purchaser is encouraged to have a mold inspection done by a qualified inspector. Have you ever had the property inspected for mold by a qualified inspector? Yes No If "Yes", please describe and indicate whether you have an inspection report and any remediation undertaken: _____

E) STRUCTURAL COMPONENTS (FOUNDATION, BASEMENT/CRAWL SPACE, FLOORS, INTERIOR AND EXTERIOR WALLS): Do you know of any movement, shifting, deterioration, material cracks/settling (other than visible minor cracks or blemishes) or other material problems with the foundation, basement/crawl space, floors, or interior/exterior walls? Yes No

If "Yes", please describe: _____

If owner knows of any repairs, alterations or modifications to correct the cause or effect of any problem identified above, since owning the property (but not longer than the past 5 years), please describe: _____

Do you know of any previous or current fire or smoke damage to the property? Yes No

If "Yes", please describe and indicate any repairs completed: _____

F) MECHANICAL SYSTEMS: Do you know of any current problems or defects with the following mechanical systems? If your property does not have the mechanical system, mark N/A (Not Applicable).

	YES	NO	N/A		YES	NO	N/A
1) Electrical	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8) Water softener	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Plumbing (pipes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Is water softener leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Central heating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9) Security System	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Central Air conditioning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Is security system leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Sump pump	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) Central vacuum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Fireplace/chimney	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	11) Built in appliances	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7) Lawn sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12) Other mechanical systems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above questions is "Yes", please describe and indicate any repairs to the mechanical system since owning the property (but not longer than the past 5 years). 1335 1/2 (Leptina) AC does not

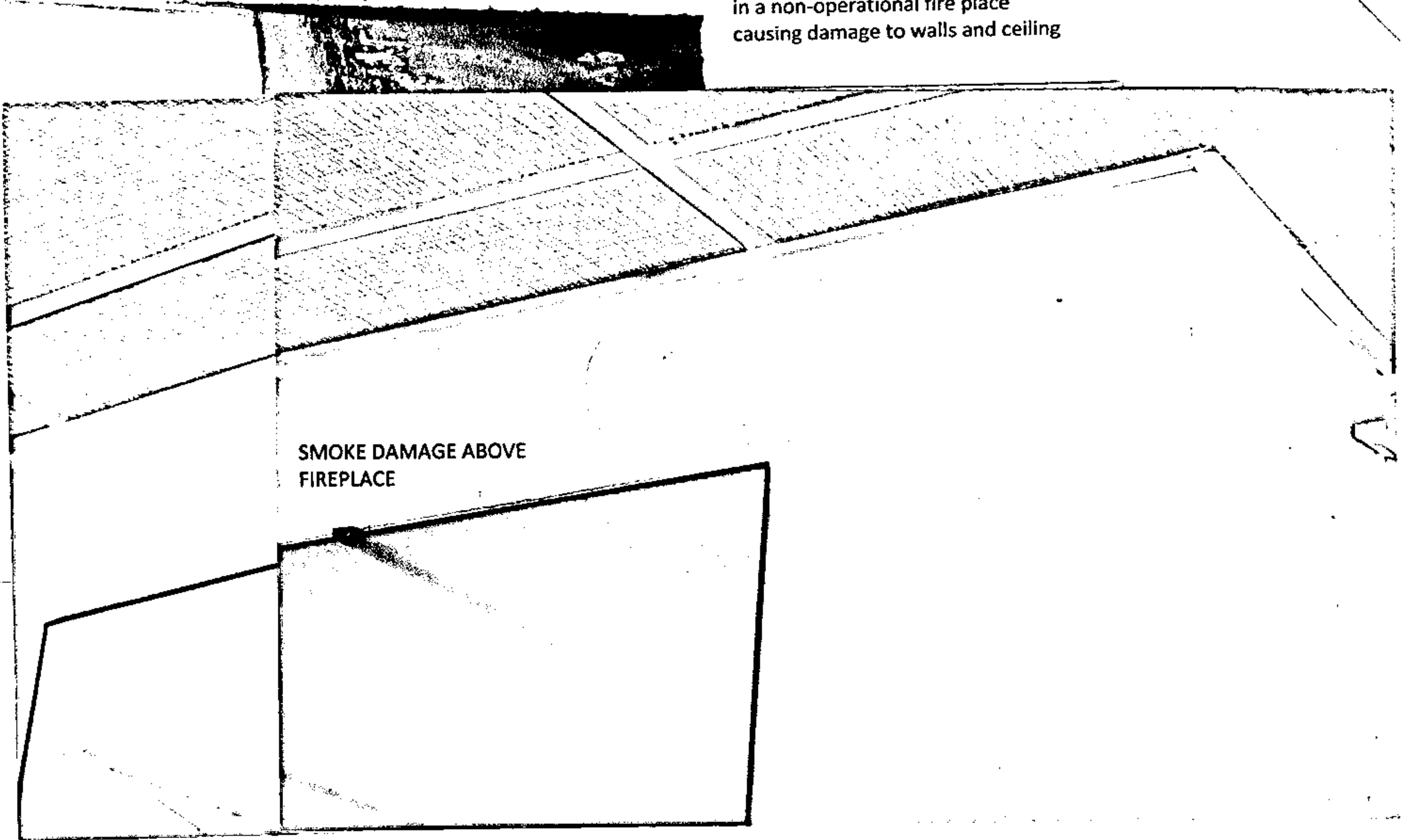
cool adequately

Owner's Initials EC Date 02.25/11

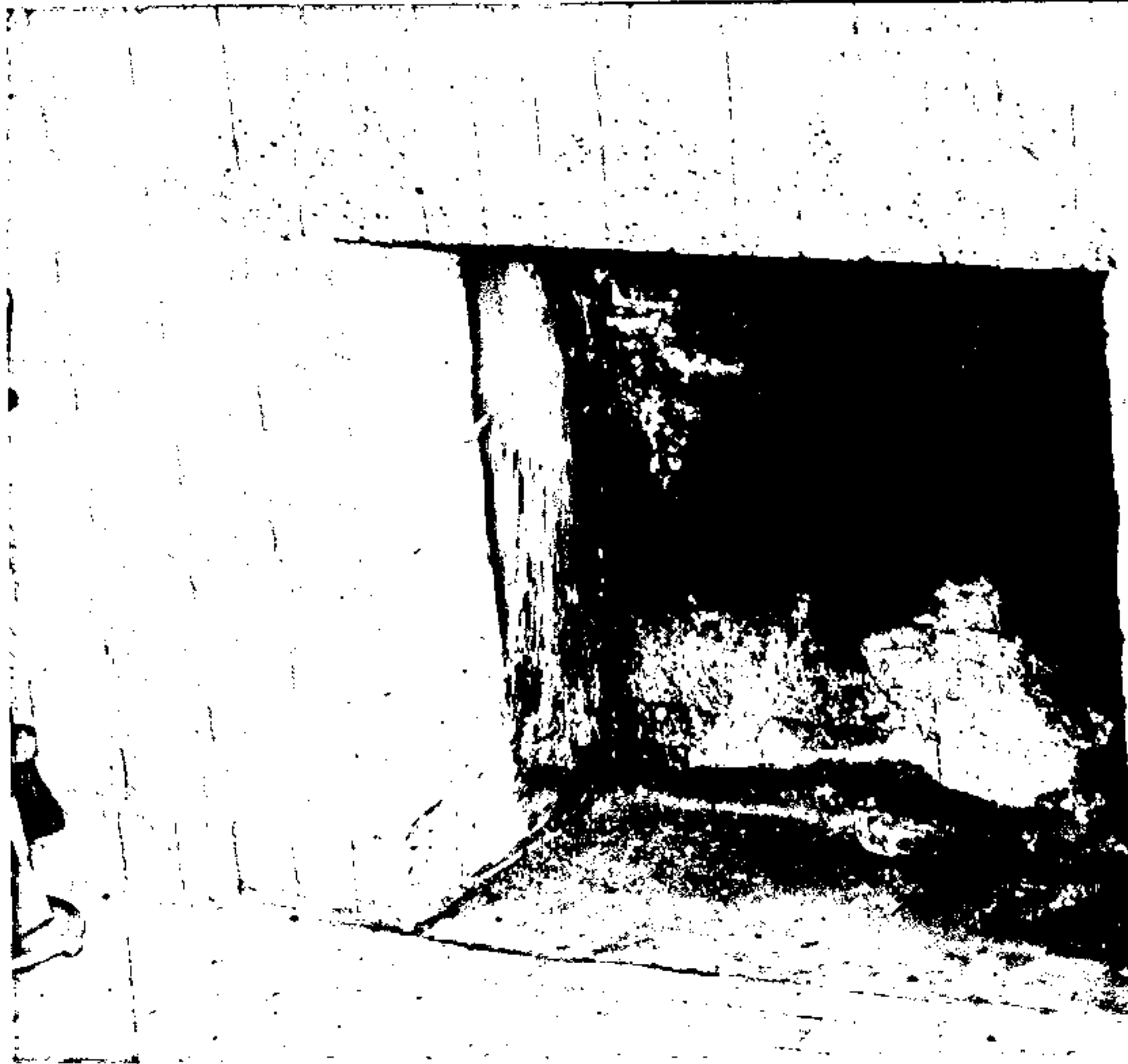
Purchaser's Initials _____ Date _____

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on
LEASE
?
JOT

Tenant admittedly started a fire
in a non-operational fire place
causing damage to walls and ceiling

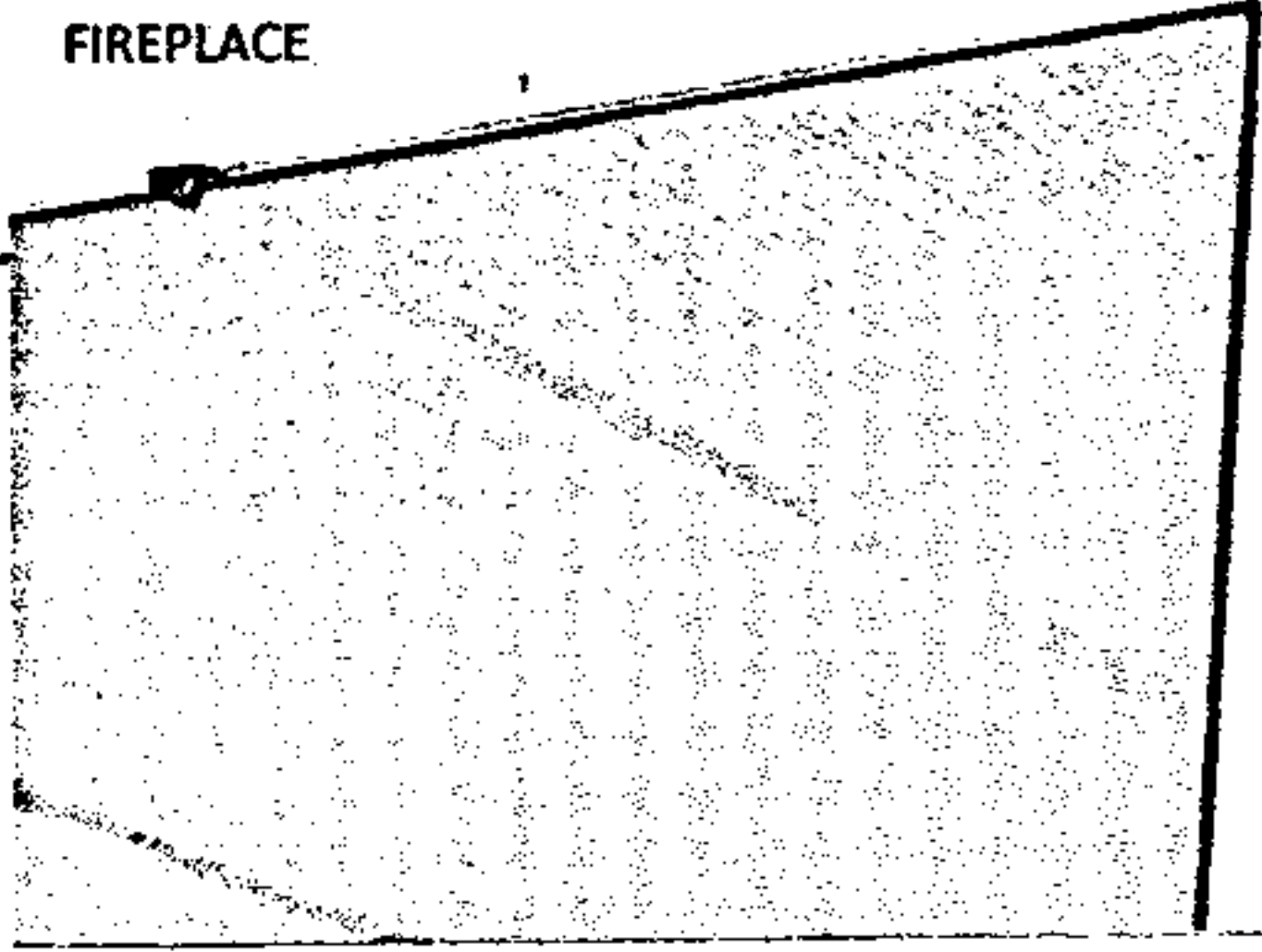


SMOKE DAMAGE ABOVE
FIREPLACE



Tenant admittedly started a fire
in a non-operational fire place
causing damage to walls and ceiling

SMOKE DAMAGE ABOVE
FIREPLACE



Tenant admittedly started a fire
in a non-operational fire place
causing damage to walls and ceiling



← Brush

Fireplace
tool set
Belonging/PROVIDED
by Plaintiff can be
seen in photo