

IN THE MUNICIPAL COURT OF THE CITY OF NAPOLEON, OHIO

THE CITY OF NAPOLEON, OHIO,

:

Plaintiff,

: Case No. 79-CR-B-452

vs.

:

HOGREFE AUTO PARTS,

: MOTION

Defendant.

:

The City of Napoleon, Ohio, Plaintiff, moves the Court to vacate the suspension of the \$500.00 fine imposed against Defendant, Hogrefe Auto Parts on February 1, 1980, for Defendants' failure to comply with the terms of an agreement which constituted the condition upon which said fine was to be suspended. Plaintiff further requests that a hearing be held on this matter at which time the Court may view said premises.

Keith P. Muehlfeld
Keith P. Muehlfeld
Attorney for the City of Napoleon,
Ohio, Plaintiff.

PROOF OF SERVICE

A copy of the foregoing Motion was served upon Mr. James E. Hensa, Attorney for Defendant, 302 N. Defiance Street, Archbold, Ohio 43502, and Hogrefe Auto Parts, Defendant, 690 East Riverview, State Route 424 East, Napoleon, Ohio 43545, by depositing the same in the ordinary United States Mail this 24th day of April, 1980.

Keith P. Muehlfeld

FILED

COURT OF MUNICIPAL COURTS

DATE 2-8-80

IN THE MUNICIPAL COURT OF THE CITY OF NAPOLEON, OHIO

The City of Napoleon, Ohio, :
 Plaintiff, : Case No. 79-CR-B-452
 vs. :
 Hogrefe Auto Parts, : JUDGMENT ENTRY
 Defendant. :

This cause came on to be heard this 1st day of February, 1980, upon a complaint filed by the Plaintiff, City of Napoleon, Ohio, alleging a violation by Defendant, Hogrefe Auto Parts, of Section 113.03 of the City of Napoleon, Ohio, Code of Ordinances.

The Court finds that the Plaintiff, City of Napoleon, Ohio, and Defendant, Hogrefe Auto Parts, have reached a negotiated plea agreement and the Court, having been informed as to the terms of said agreement, approves the same.

Pursuant to said agreement, Defendant, Hogrefe Auto Parts, hereby enters a plea of no contest to the allegations contained in said complaint and consents to a finding of guilty. The Court accepts said plea and enters a finding of guilty. Pursuant to the terms of said agreement and upon the recommendation of the City Law Director, the Court imposes a fine of \$500.00 against Defendant, Hogrefe Auto Parts. Further, the Court will suspend the imposition of said fine upon the condition that the Defendant comply with the terms of a proposal dated February 14, 1973, (attached hereto) to fence in and enclose said junk or salvage yard on or before April 15, 1980. No license to operate said junk yard shall be issued by the City until compliance with said proposal. If Defendant has not complied with said proposal by April 15, 1980, upon a motion filed by the City after that date, and a hearing thereon, which shall include the Court's viewing said premises, if the Court finds Defendant has not complied with the terms of said proposal, the entire amount of said fine shall be imposed and the City may take further action under said section or seek other injunctive relief. At the time of any such hearing, should the Court find that the Defendant's compliance by April 15, 1980,

has been reasonably prevented due to adverse weather conditions, in the Court's sole discretion, the deadline for compliance may be extended for a period up to thirty days beyond April 15, 1980.

Costs taxed to Defendant, Hogrefe Auto Parts.

Barbara D. Sankema
Municipal Court Judge.

Approved By:

Little P. Mulvihill
Attorney for Plaintiff.

Wm. H. [unclear]
Attorney for Defendant.

FILED

NAPOLEON MUNICIPAL COURT

DATE 4-25-80

IN THE MUNICIPAL COURT OF THE CITY OF NAPOLEON, OHIO

THE CITY OF NAPOLEON, OHIO, :
Plaintiff, : Case No. 79-CR-B-452
vs. :
HOGREFE AUTO PARTS, : MOTION
Defendant. :

The City of Napoleon, Ohio, Plaintiff, moves the Court to vacate the suspension of the \$500.00 fine imposed against Defendant, Hogrefe Auto Parts on February 1, 1980, for Defendants' failure to comply with the terms of an agreement which constituted the condition upon which said fine was to be suspended. Plaintiff further requests that a hearing be held on this matter at which time the Court may view said premises.

Keith P. Muehlfield
Keith P. Muehlfield
Attorney for the City of Napoleon,
Ohio, Plaintiff.

PROOF OF SERVICE

A copy of the foregoing Motion was served upon Mr. James E. Hensal, Attorney for Defendant, 302 N. Defiance Street, Archbold, Ohio 43502, and Hogrefe Auto Parts, Defendant, 690 East Riverview, State Route 424 East, Napoleon, Ohio 43545, by depositing the same in the ordinary United States Mail this 25th day of April, 1980.

Keith P. Muehlfield

Napoleon Municipal Court
Henry County, Ohio
(City) (Name of County)

THE STATE OF OHIO

No. 79-CL-B-452

THE CITY OF NAPOLEON, OHIO
vs
HOGREFE AUTO PARTS
Name
St. Rt. 121 East, Napoleon, OH 43545
Address

COMPLAINT
BY INDIVIDUAL
(Rule 4)

***** FORM I *****

Complainant being duly sworn states that Hogrefe Auto Parts
(defendant)

at or along St. Rt. 121 East, Napoleon, Henry County, Ohio on or about November 26,
(place)

1979, did fail to have removed from view a junk or salvage yard within 500 feet of
(state the essential facts)

a street or highway.

in violation of Sections 113.03 and 113.22 (B) of the City of Napoleon, Ohio, Code of
(state the numerical designation of the applicable statute or ordinance) Ordinances

KPM
Sworn to and subscribed before me by Allen E. Landy Complainant on
12-3, 1979.
Steve Rubin

Judge—Clerk—Deputy Clerk—Municipal Court
or

Notary Public

County / State of Ohio /
My Commission expires _____, 19____