IN THE FRANKLIN COUNTY MUNICIPAL COURT COLUMBUS, OHIO

Uptown Village Apts Ltd

Plaintiff,

vs.

Case No. M9112CVG-043

Brady White, Jr.

Defendant.

REFEREE'S REPORT

This matter came for hearing before Referee Kathleen E. Graham on January 28, 1992. Plaintiff was represented by Attorney David M. Neubauer. Defendant was represented by Michael Richter, the Legal Aid Society of Columbus. The lease agreement between the parties is subject to federal eviction procedures contained in Section 247, Subsection a (Title 24 C.F.R.).

Defendant moved to dismiss the complaint based upon the alleged insufficiency of the "Notice of Intent to Terminate Lease Agreement" dated November 1, 1991, a copy of which is attached to plaintiff's complaint.

Pursuant to the federal regulations governing federally subsidized housing a Notice of Termination must state the grounds for termination with enough detail for a tenant to prepare a defense. Referee concludes based upon a review of the notice served upon the defendant in this case, that the notice fails to state the reason for termination with sufficient specificity for the defendant to prepare a defense.

UPTOWN VILLAGE APTS VS. BRADY

Case No. M9112CVG-043946

The language included in the Notice of Termination is merely a restatement of the lease language of paragraph 13C which prohibits legal or unlawful activity in the unit, in the common areas around the project grounds.

Although the language of the notice sets forth illegal activity related to drug related activity, it is unclear from the notice the nature of defendant's alleged activities, whether they occurred in the unit or the common areas or somewhere else on the project grounds. There is insufficient specificity in the notice to permit the defendant to prepare a defense to the allegations.

RECOMMENDATION

Defendants motion to dismiss be granted.

Plaintiffs first cause of action to be dismissed. Costs to plaintiff.

KEG:cq

Copies to:

David M. Neubauer 933 Highland Street Columbus, Ohio 43201

PLAINTIFF

Michael Richter 40 W. Gay Street Columbus, Ohio 43215

DEFENDANT