

HAMILTON COUNTY MUNICIPAL COURT
HAMILTON COUNTY, OHIO

WESTOVER VILLAGE, : Case No. 85 CV 8331
Plaintiff :
vs. : MEMORANDUM OF OPINION
KIM DAWSON, :
Defendant :

This cause came before the Court on Defendant's motion for summary judgment. The Court finds that the notice to leave the premises served on the Defendant not in compliance with the requirements of 24 C.F.R. §247.4. Specifically, 24 C.F.R. §274.4(a)(3) states that the notice of termination shall advise the tenant that if he or she remains in the lease unit on the date specified for termination, the landlord may seek to enforce the termination only by bringing a judicial action, at which time the tenant may present a defense. Having failed to include this language in the notice served on the Defendant, Plaintiff has failed to comply with federal notice requirements and the attempted termination of Defendant's tenancy is invalid.

This decision is in accordance with Parklane Apartments v. Roy, No. #82-CV-25931, in which the Court of Appeals of the First Appellate District of Ohio affirmed the trial court's decision to dismiss an eviction action because the notice served was not in strict compliance with federal regulations.

Therefore, summary judgment is granted to Defendant and the complaint is hereby dismissed at Plaintiff's costs.

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Stuart L. Richards
JUDGE

Date: 10/27/85

10-31-85
SW