

THE PORT CLINTON MUNICIPAL COURT IN AND FOR THE COUNTY OF OTTAWA

MADSTON CORPORATION

CASE NO. 87-CVG-815

Plaintiff,

-vs-

DAVID AHRENS

Defendant.

FINDINGS OF FACT,  
CONCLUSION OF LAW  
JUDGMENT ENTRY

\* \* \* \* \*

This matter was tried to the Court January 8, 1988 pursuant to O.R.C. 1923.01 et. seq. Both parties were represented by counsel. Upon the evidence heard and arguments of counsel, the Court makes the following Findings of Fact, Conclusions of Law and Judgment Entry:

1. Plaintiff is the manager of certain low-cost housing subsidized by Farmers Home Administration (FmHa), 7 CFR Ch. XVIII et. seq.
2. Defendant is an indigent, mentally ill tenant of Plaintiff under FmHa form lease, Plaintiff's Exhibit #1, dated February 9, 1987.
3. Tenant is not in default for rent but has received "Notice to Leave Premises" dated August 19, 1987, Plaintiff's Exhibit C, which recites as reason for the eviction "upon several notices tenant did not make any attempt to clean his apartment."
4. Evidence indicates that Defendant is a poor house-keeper but such poor housekeeping has not caused any public health hazard, nuisance or danger to any other tenants in the development.
5. Defendant has a local counseling agency assisting him with housekeeping matters.
6. Plaintiff in accepting substantial rent subsidies from the Federal Government waives ordinary rights of a landlord and instead is bound by the regulations of the Federal Government. Sandefur vs. Jones, 90 App 3rd. 85, 1982.

7. Plaintiff's Exhibit 2 "Notice to Leave Premises" does not conform to the specific requirements of 7 CFR XIV Farmers Home Administration, USDA, Sub part B, Notice of Termination, nor does the reason stated in said Exhibit 2, Notice, state any matter recognized in the regulations for termination of occupancy. Cordrey vs. The Housing Authority of Holyoke, unreported Case No. 80-C-881 U.S. District Court for the District of Colorado, December 3, 1980.

Accordingly, this cause is dismissed, costs to be paid by the Plaintiff.

*Paul Moran*  
JUDGE

FILED  
88 FEB -5 PM 2:00  
PORT CLINTON  
MUNICIPAL COURT