

HAMILTON COUNTY MUNICIPAL COURT
HAMILTON COUNTY, OHIO

AVONDALE HOUSING ACTION : Case No. 88-CV-42805
PROGRAM, :
Plaintiff : Judge Hildebrandt
-vs- : ORDER GRANTING JUDGMENT
JACKIE BUTLER, : *dwel*
Defendant : Entry Vacating Hearing Date

ORDER

Upon consideration of Defendant's Motion for Summary Judgment and Memorandum in Support and pursuant to Ohio rules of Civil Procedure 56, this Court finds that there is no genuine issue as to any material fact and that Defendant is entitled to judgment as a matter of law.

On October 7, 1988, Plaintiff served Defendant with a notice to terminate tenancy and to leave the premises. On January 3, 1989, Plaintiff filed this action in forcible entry and detainer without serving any other notices. The alleged grounds for terminating the tenancy are "numerous violations of conditions of lease, specifically #30."

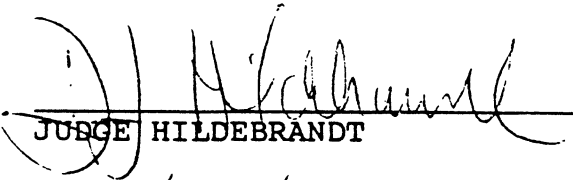
Plaintiff violated O.R.C. §1923.04 by failing to serve the three-day notice to vacate after expiration of the thirty-day notice to terminate.

Plaintiff also violated O.R.C. §5321.11 and 24 C.F.R. §247.4(a)(2) by failing to state the reasons for the landlord's

actions with enough specificity so as to enable the tenant to prepare a defense.

Plaintiff also violated 24 C.F.R. §886.328(c)(1) by failing to include in the notice the name, address, and telephone number of the appropriate HUD official to whom the family should respond.

Therefore, it is hereby ORDERED that judgment be entered in favor of Defendant and that Plaintiff's complaint be dismissed at Plaintiff's cost.



JUDGE HILDEBRANDT

3/23/89

DATE

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gcf

