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D603-44891

HAMILTON COUNTY MUNICIPAL COURT
CINCINNATI, OHIO



ENTERED
AUG 20 2004
IMAGE
197

GALBRAITH POINTE APARTMENTS	:	Case No. 03-CV-29876
Plaintiff	:	JUDGE WILLIAM L. MALLORY
vs	:	
CAROL HUMPHREY	:	DECISION
Defendant	:	

The parties, through counsel, have submitted this matter for decision on whether plaintiff has the right to terminate defendant's tenancy at the end of her lease without "good cause." Plaintiff is subject to certain restrictions as a recipient of Federal Low Income Housing Tax Credits (LIHTC). 26 U.S.C. §42.

After this matter was submitted for decision, the Internal Revenue Service issued a ruling clarifying this matter. IRS Revenue Rule 2004-82§C. The ruling extends the "good cause" for eviction requirement throughout the 15 year low income housing commitment period. Therefore, plaintiff, at this time, cannot evict defendant.

Plaintiff's complaint seeking eviction and restitution of premises is dismissed and all monies in escrow are released to plaintiff.

ORDER:
NOTICE MAILED TO PARTIES ON
AUG 23 2004
INT 2

WILLIAM L. MALLORY, JUDGE
Date: August 19, 2004

Copies mailed to:

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ORDER:
NOTICE MAILED
TO PARTIES
ON: 8-20-04
BY: