

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.


REFEREE KATHLEEN E. GRAHAM

KEG:cg

Copies to:

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PLAINTIFF

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DEFENDANT