

IN THE WASHINGTON COURT HOUSE MUNICIPAL COURT
WASHINGTON COURT HOUSE, OHIO

SUMMERTREE TERRACE,

Plaintiff,

Case Number CVG 0600419

vs.

JOURNAL ENTRY

TRACY THATCHER, et al.,

Defendants.

FILED
WASHINGTON C.H.
MUNICIPAL COURT
06 JUL 13 AM 7:39

This matter is before the court on the defendants' motion to dismiss and the plaintiffs memorandum contra.

In its complaint, the plaintiff seeks to evict the defendants from an apartment located in Jeffersonville, Ohio. The residence was rented to the defendants under a lease agreement dated January 17, 2005. The apartment is part of a federally subsidized housing project operated by the plaintiff and regulated by the Rural Housing Service an agency of the Department of Agriculture.

Federal regulations grant tenants certain procedural rights.¹ The lease can be terminated only for "material noncompliance with the lease provisions".² Before termination of the lease, the tenant is entitled to written notice of any violation and an opportunity to correct the violation.³

Attached to the plaintiffs memorandum is a copy of a letter to defendant Tracy Thatcher dated April 12, 2006, stating that an eviction notice will be issued unless the April rent and late fee are paid by 4:00 p.m. The eviction notice attached to the complaint is dated April 12, 2006. Under these circumstances, the court finds that the defendants have not been afforded adequate notice of the violation. The court also finds that the defendants were not provided a reasonable opportunity to correct the violation prior to termination of the lease.

It is therefore ordered that the complaint be dismissed.



Victor D. Pontious, Jr.
Judge

¹ 7 C.F.R. section 3560.159

² Id.

³ Id.

Instructions to the Clerk: please send copies of this entry to Counsel for Plaintiff and Defendants.

V. Pink
Judge

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