

Superior Court of North Carolina.
Davie County
Cambridge CREEK LTD. Partnership, Plaintiff,
v.
Sharon ELLIS, Defendant.
No. 05 CVD 241.
April 21, 2005.

Order

The Honorable April C. Wood, District Court Judge Presiding.

THIS CAUSE coming on to be heard and being heard by the undersigned District Court Judge of the 22nd Judicial District of North Carolina on April 18, 2005, on defendant's motion for summary judgment;

And it appearing to the Court that plaintiff was represented by Michael Harrell of Manning, Fulton & Skinner P.A., and that defendant was represented by Liza Baron of Legal Aid of North Carolina, Inc., and that this action is an appeal of a dismissal of a summary ejection complaint;

And after having considered the pleadings and arguments of counsel, it appearing to the Court that plaintiff waived its right to pursue eviction of defendant based on an alleged breach of the lease that occurred prior to its acceptance of her October 2004 rent;

And it further appearing to the Court that plaintiff failed to give defendant notice of a proposed termination of her tenancy prior to giving her notice of actual termination of her tenancy, as required by 7 CFR 3560.159;

And it therefore appearing to the Court that there exist no genuine issues of material fact, that defendant is entitled to judgment as a matter of law, and that defendant's motion therefore should be granted on these grounds;

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that defendant's motion for summary judgment be GRANTED and that plaintiffs case be DISMISSED.

This the 21st day of April, 2005.

<<signature>>

The Honorable April C. Wood

District Court Judge Presiding

Cambridge CREEK LTD. Partnership, Plaintiff, v. Sharon ELLIS, Defendant.

2005 WL 5467900 (N.C.Super.) (Trial Order)

END OF DOCUMENT