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11 Fla. L. Weekly Supp. 645a

Landlord-tenant -- Eviction -- Public housing -- Notice -- Defects -- Notice to quit and vacate premises is defective for merely reciting lease paragraphs allegedly violated without stating facts supporting alleged violations -- Complaint dismissed without leave to amend

COLUMBIA COUNTY HOUSING AUTHORITY, Plaintiff, vs. CHRISTINA OLIVERA MARKER, Defendant. County Court, 3rd Judicial Circuit in and for Columbia County, Civil Division. Case No. 04-219-CC. April 28, 2004, nunc pro tunc April 5, 2004. Tom Coleman, Judge. Counsel: Lynn H. Kish, Three Rivers Legal Services, Inc., Lake City, for Defendant.

ORDER DISMISSING COMPLAINT FOR EVICTION

THIS CAUSE came to be heard on the Defendant's Motion to Dismiss, and the Court having heard argument of counsel and being otherwise fully advised in the premises, finds as follows:

A. At the time of filing this suit, the Plaintiff failed to comply with a condition precedent prior to filing the action because the Notice To Quit And Vacate Premises dated January 5, 2004, failed to substantially comply with the form of notice described in §83.56, *Fla. Stat.*, and with the requirements set out in 24 CFR 966.4(1) in that said notice only recited particular lease paragraphs that were violated and did not state any facts supporting the alleged lease violation. Therefore, said Notice was insufficient to terminate the tenancy and could not be the basis for eviction. *See e.g. Columbia County Housing Authority v. Bridges*, 6 Fla. L. Weekly Supp. 289c (Fla. Columbia County July 10, 1998, Honorable Julian E. Collins).

B. A proper Notice of noncompliance is a precondition to the commencement of an eviction proceedings based on the theory of noncompliance.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that this action is hereby dismissed without leave to amend.