

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS:

HOUSING COURT DEPARTMENT
CITY OF BOSTON DIVISION
SUMMARY PROCESS
NO. 96-0/3/5/4/7/

THEOPHILUS UNAEGBU

VS.

AMARILIS BAEZ

FINDINGS OF FACT AND ORDER FOR JUDGMENT

The defendant's Motion to Dismiss is ALLOWED. The defendant's tenancy is subject to a Section 8 lease which, under paragraph 12(a) of said lease, provides that an owner may only terminate the tenancy for good cause. This action is not based upon the termination of the lease that extended beyond its definite fixed term. This lease is one which continues indefinitely unless otherwise terminated in accordance with federal law. See Public Law 104-134, §203(c) U.S. Department of Housing and Urban Development Notice PIH 96-23(HA). The notice to quit relied upon by the plaintiff in this action, dated May 13, 1996, does not state any cause or grounds to justify the termination of the defendant's tenancy. Further, the notice to quit fails to include the language required under paragraph 12(d) of the lease.

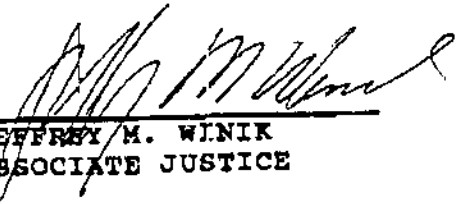
Since the plaintiff has not served the defendant with a legally sufficient notice to quit which sets forth good cause to terminate her tenancy as required by 42 USC 51437(d)(1)(B), the defendant's tenancy has not been properly terminated.

Accordingly, it is ORDERED that plaintiff's Complaint shall

(SUMMARY PROCESS 96-035471)

(UNAEGBU V. BAEZ)

be dismissed.



JEFFREY M. WINIK
ASSOCIATE JUSTICE

Date: July 18, 1996

cc: Theophilus Unaegbu
101 Lamartine Street, #3
Jamaica Plain, MA 02130

David Grossman, Esq.
LEGAL SERVICES CENTER
122 Boylston Street
Jamaica Plain, MA 02130

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS:

HOUSING COURT DEPARTMENT
CITY OF BOSTON DIVISION
SUMMARY PROCESS ACTION

96 NO. 10/3/5/47

Theophilus Unaegbu

PLAINTIFF(S)

VS.

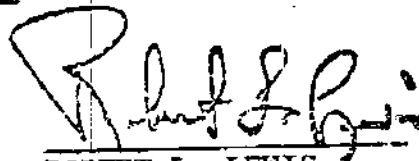
Amarilis Baez

DEFENDANT(S)

NOTICE OF JUDGMENT ENTERED

This action came on for hearing before the Court, _____
Winik, J., presiding, and the issues having been duly
heard and findings having been duly rendered, it is ORDERED and
ADJUDGED under Rule 10 of the Uniform Rules of Summary Process,
dismissing this action.
judgment enter ~~for the Plaintiff/Defendant~~
and damages in the ~~amount of~~ _____, ~~plus~~ _____.

Accordingly, judgment enters at 10:00 a.m. this 19th
day of July, 1996.



ROBERT L. LEWIS
CLERK MAGISTRATE

Eff. 2/12/81

Summary Process Form 3