IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO: 2020-005609-CC-20
SECTION: CL01
JUDGE: Gordon Murray

Newcastle Lake LLC

Plaintiff(s) / Petitioner(s)

vs.

Donnell Carmichael

Defendant(s) / Respondent(s)

_____/

DEFENDANT'S MOTION TO DISMISS

THIS MATTER having come on to be heard on the 13th day of October 2020 on the Defendant's Motion to Dismiss and the court having reviewed the file, heard arguments of counsel and being otherwise satisfied in the premises;

IT IS ORDERED AND ADJUDGED, that the Defendant's Motion to Dismiss is GRANTED

1) Section 4024 of the CARES ACT applies to "covered dwellings", not covered tenants. 4024(c)(1) provides that a lessor may not require "the tenant to vacate a covered dwelling unit" until 30 days after a notice to vacate. 4024(a)(1) defines a "covered dwelling" as a dwelling that is occupied by a tenant and is on a covered property. The Plaintiff, New Castle Lake LLC, as a participant in Section 8 Housing Choice Voucher program (42 U.S.C. 1437f), is a covered property.

2) The Plaintiff failed to serve the appropriate 30 day notice to the defendant and instead provided only a 3 day notice to vacate for non-payment of rent*.

3) *The Defendant also filed a declaration pursuant to the Notice by the Center for Disease Control and Prevention.

Appendix PED-4

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this <u>21st day of</u> <u>October, 2020</u>.

2020-005609-CC~~ M~~10-21-2020 10:20 A

<u>2020-005609-CC-20 10-21-2020 10:20 AM</u>
Hon. Gordon Murray

COUNTY COURT JUDGE
Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:
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