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COMMONWEALTH OF KENTUCKY
SIXTEENTH JUDICIAL CIRCUIT
KENTON CIRCUIT COURT
THIRD DIVISION

CASE NO. : 95-XX-00003

ENTERED
KENTON CIRCUIT/DISTRICT CO
MAY 24 1995
S.A. WOLTENBERG, CLERK
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RECEIVED
JUN 22 1995
NATIONAL CLEARINGHOUSE
FOR LEGAL SERVICES

TOM KRAMER

vs.

MARK LIPSCOMB
and
HOPE BELL

APPELLEE/PLAINTIFF

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2p.

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APPELLANTS/DEFENDANTS

JUDGMENT REVERSING

* * * * *

This matter is on appeal from a Judgment entered in the Kenton District Court on January 20, 1995. That Judgment ordered restitution of premises owned by the Appellee which had been leased to the Appellants. The Appellee had filed a Forcible Detainer Complaint alleging a breach of the lease upon the grounds of non-payment of rent.

Appellants' primary argument on this appeal is that they were not given proper notice to vacate the premises. They cite KRS 383.660(2) in support of their allegation that the notice given by the Appellee was not legally sufficient. That statute requires the landlord to give notice of non-payment and his intent to terminate the rental agreement. A reasonable construction of the statute would allow the tenant to cure the breach by payment within that seven-day period. In short, this statute places an obligation on the landlord to notify a tenant that the tenant has seven days to pay rent or suffer a termination of the agreement.

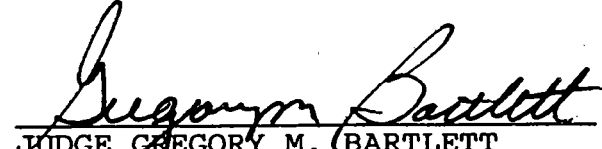
In this case, the notice given by the Appellee is legally insufficient in that it fails to advise the tenants that they have seven days within which to cure their breach by payment of the rent arrearage. The notice in this case merely advised the tenants that it was their "official seven days notice." This alleged notice failed to advise the tenants that they had the right to pay the rent within that time or that the failure to do so would result in a breach of the agreement.

The Court, being of the opinion that the seven-day notice was not in compliance with the statute, finds that the Judgment of the Kenton District Court should be reversed and Appellee's Complaint dismissed.

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED that the Judgment of the Kenton District Court entered on January 20, 1995 is reversed with directions that the Appellee's Complaint be dismissed.

IT IS FURTHER ORDERED that any monies deposited with the Court by the Appellants as rent during the pendency of this appeal should be paid to the Appellee.

Dated this 24th day of May, 1995.


JUDGE GREGORY M. BARTLETT
KENTON CIRCUIT COURT
THIRD DIVISION

Copies to:
Darrell A. Cox
Thomas Seel
Hon. William Schmaedecke