

IN THE COUNTY COURT  
IN AND FOR LAKE COUNTY  
STATE OF FLORIDA

ALBERT ZIKRA,

Case No: 2013-CC-002104-O

Plaintiff,

Judge: Hon. Terry T. Neal

v

LEWIE JASON ROGERS and  
COLLETTE ROGERS,

Defendants.

2013 AUG 23 AM 10:43  
CLERK OF CIRCUIT  
AND COUNTY COURT  
LAKE COUNTY  
TALLAHASSEE, FLORIDA

**ORDER ON DEFENDANTS' MOTION TO DISMISS COMPLAINT**

THIS CAUSE, having come before the Court on August 19<sup>th</sup>, 2013, on motion by the defendants to dismiss the complaint and to determine whether plaintiff states a cause of action, and the Court having reviewed the pleadings and the exhibits attached thereto, having heard argument from the parties and their counsel as follows: defendants, Lewie Jason Rogers and Collette Rogers, represented by attorney, Dennis A. Chen, and plaintiff, Albert Zikra, and otherwise being fully advised in the premises, the Court does hereby

FIND that

1. The plaintiff filed the above styled action seeking eviction of the defendants and prior to filing the action, in an attempt to terminate the lease, delivered a Three Day Notice (Notice) to Defendants.
2. Plaintiff's Notice includes amounts in excess of rent, and fails to provide mailing time, rendering the Notice fatally defective on its face and fails to terminate the Defendants' tenancy.
3. Plaintiff delivered a Notice that demands payment in a city in a different county than the one in which the rental property is located and failed to provide five days for mailing in addition to the three days for payment and therefore fails to terminate the Defendants' tenancy.

4. Termination of the Defendants' tenancy is a condition precedent to filing an eviction action and therefore the Complaint fails to state a cause of action upon which relief may be granted and fails to invoke the jurisdiction of this court.

It is therefore ORDERED and ADJUDGED that


5. Plaintiff's *Complaint for Eviction*, is dismissed without leave to amend.

6. All money in the court registry is to be disbursed immediately to:

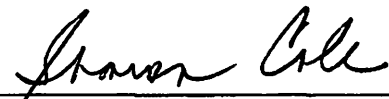
**Lewie Jason Rogers & Colette Rogers, c/o Chen Law Firm PA, PO Box 1309, Ocoee, FL 34761.**

7. Jurisdiction is reserved to determine defendants' entitlement to costs and attorneys fees and for the award and determination of the amount of costs and attorneys fees.

DONE AND ORDERED this 22 day of August, 2013 at Tavares, Lake County, Florida.

  
\_\_\_\_\_  
Hon. Terry T. Neal  
County Judge

I HEREBY CERTIFY that a true and correct copy of the above has been forwarded via US mail, hand-delivery or email on this 22 day of August, 2013 to those listed in the service list below.

  
\_\_\_\_\_  
Judicial Assistant

**Service List:**

Dennis Chen, Esq.  
P.O. Box 1309  
Ocoee, FL 34761

Attorney for Defendants

Albert Zikra  
3365 Bellington Dr.  
Orlando, FL 32835

Plaintiff