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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON**

BoaVida Communities LLC; Grants Pass
Mobile Home Park LLC
Plaintiff (Landlord or Agent)
v.
Barry DeVita (aka Barry DaVita) and All Other
Occupants
Defendant (Tenant or Occupant)

Case No.: 22LT06737

**RESIDENTIAL EVICTION
COMPLAINT**

Filing fee at ORS 105.130

PLAINTIFF-LANDLORD:

DEFENDANT-TENANT:

BoaVida Communities LLC; Grants Pass Mobile
Home Park LLC
Address: 7001 Rogue River Hwy
City: Grants Pass
State: OR Zip: 97527
Phone:

Barry DeVita (aka Barry DaVita) and All
Other Occupants
Mailing Address: 7001 Rogue River Hwy, #34
City: Grants Pass
State: OR Zip: 97527
Phone: Unknown County: Jackson

1. Defendant-Tenants are in possession of the dwelling unit, premises or rental property described above **or** located at: 7001 Rogue River Hwy, #34, Grants Pass, Jackson County, OR 97527

2. IF NOTICE HAS BEEN GIVEN, A COPY IS ATTACHED

3. Plaintiff-Landlord is entitled to possession of the property because of:

- 24-hour notice for **personal injury, substantial damage, extremely outrageous act or unlawful occupant.** (ORS 90.396 or 90.403)
- 24-hour or 48-hour notice for **violation of a drug or alcohol program.** (ORS 90.398)
- 24-hour notice for **perpetrating domestic violence, sexual assault or stalking.** (ORS 90.445)
- 7-day notice **with stated cause** in a **week-to-week** tenancy. (ORS 90.392(6))
- 10-day notice for a **pet violation, a repeat violation with stated causes or without stated cause in a week-to-week tenancy.** (ORS 90.392(5), 90.405 or 90.427(2))
- 10-day or 13-day notice for **nonpayment of rent.** (ORS 90.394)*
- 20-day notice for **repeat violation.** (ORS 90.630(5)/(6))
- 30-day or 60-day notice **without stated cause in a month-to-month tenancy.** (ORS 90.427(3)(b) or (8)(a)(B) or (C))
- 180-day notice **without stated cause in a month-to-month tenancy.** (ORS 90.429)

- 1 30-day notice **with stated cause.** (ORS 90.392, 90.630 or 90.632)*
- 2 60-day notice **with stated cause.** (ORS 90.632)
- 3 90-day notice **with stated cause.** (ORS 90.427(5) or (7))
- 4 Notice to bona fide tenants after **foreclosure sale** or termination of fixed term tenancy after foreclosure
- 5 sale. (ORS 86.755 (6)(c))
- 6 Other notice _____
- 7 No notice (explain) _____

7 ***If the notice is for nonpayment of rent or other charges or fees and was given on or before June 30, 2021,**

8 **the landlord must attach a copy of the declaration of compliance required under section 7(5) of House Bill**

9 **4401 (2020 third special session) to this complaint.**

9 4. If Plaintiff-Landlord uses an attorney, the case goes to trial, and Plaintiff-Landlord wins in court, Plaintiff-

10 Landlord can collect attorney fees from the Defendant pursuant to ORS 90.255 and 105.137(3). Plaintiff-Landlord

11 requests judgment for possession of the premises, court costs, disbursements, and attorney fees.

11 **Certificate of Document Preparation.** Check all that apply:

- 12 I chose this form for myself and completed it without paid help.
- 13 A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
- 14 I paid (or will pay) _____ for help choosing, completing, or reviewing this form.

14 **I certify that the allegations and factual assertions in this complaint are true to the best of my knowledge.**

15 s/Bradley S. Kraus
Signature of landlord or agent

June 28, 2022
Date

16 Bradley S. Kraus, OSB #143646
Name of landlord or agent (Printed)

17 Email: kraus@warrenallen.com

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Case No: _____



MHCO Form 82A: Ten (10)-Day Notice of Termination For Non-Payment of Rent (For MHP Tenants Owning Mobile Home and Renting Space)

Revised 4-2022 | This form is exclusively licensed to: Grants Pass MHP

Name of Community/Park: Grants Pass MHP
Address: 7001 Rogue River Hwy
Grants Pass, Oregon 97527

NOTICES TO LANDLORD: MHCO FORM 111 (“NOTICE OF EVICTION PROTECTION”) MUST ACCOMPANY THIS 10-DAY NOTICE OF NONPAYMENT FORM. **DO NOT ISSUE THE MHCO 72-HOUR FORM (NO. 82) UNTIL FURTHER NOTICE.**

WARNING TO LANDLORD: IF TENANT PROVIDES LANDLORD WITH DOCUMENTATION OF AN APPLICATION FOR RENT ASSISTANCE BY ANY METHOD REASONABLY CALCULATED TO ACHIEVE RECEIPT BY LANDLORD (“DOCUMENTATION”) (A) BEFORE THIS NOTICE OF TERMINATION (“NOTICE”) IS DELIVERED TO TENANT, LANDLORD MAY NOT SERVE THIS NOTICE ON TENANT; LANDLORD HAS RECEIVED NOTIFICATION THAT TENANT’S EMERGENCY ASSISTANCE APPLICATION IS NO LONGER PENDING. (B) IF SAID DOCUMENTATION IS PROVIDED TO LANDLORD AFTER DELIVERY OF THIS NOTICE TO TENANT, BUT BEFORE LANDLORD FILES AN EVICTION (“FED”), LANDLORD MAY NOT FILE THE FED UNTIL (i) LANDLORD HAS RECEIVED NOTIFICATION THAT TENANT’S EMERGENCY ASSISTANCE APPLICATION IS NO LONGER PENDING. (ii) SO LONG AS LANDLORD FIRST DELIVERED A NEW 10-DAY NOTICE OF TERMINATION. (NOTE: THE NEW NOTICE OF TERMINATION DOES NOT NEED TO BE ACCOMPANIED BY ANOTHER NOTICE OF EVICTION PROTECTION IF IT WAS ALREADY INCLUDED WITH THE PRIOR NOTICE OF TERMINATION.)

Instructions: If the Rental/Lease Agreement provides that rent is due on the 1st day of the month, the earliest this Notice may be issued is the 8th day of the month. If the due date for rent falls on any other day of the month, the earliest this Notice may be issued would be on the 8th day after that due date (counting that due date).

DATE OF THIS NOTICE: *(Insert the date this Notice is personally served, deposited in the mail, or mailed and securely attached to the main entrance of the Resident’s home.)* 5/17/2022

TENANTS(S): Barry DeVita

ADDRESS: 7001 Rogue River Hwy. SPACE 34

CITY Grants Pass STATE Or. ZIP 97527

Your rent is now at least seven (7) days past due. This is your 10-day Notice to pay **TOTAL RENT DUE**, identified below. If you do not pay the **TOTAL RENT DUE** by the **Deadline** identified in the box checked at Nos. 1, 2, or 3, below, this is further notice that your tenancy and Rental/Lease Agreement will terminate immediately after the **Deadline**. Rent remains unpaid for the following



months and in the following amounts (*Insert each month of unpaid rent AND the amount of rent for each month. List only rent. Do not include other Charges as defined below.*):

April = \$496.80

May = \$496.80

TOTAL RENT DUE (*Total of all unpaid rent listed for the months identified above*) \$ 993.60

NOTE TO TENANT: If you have any unpaid fees, fines, deposits, or other charges (collectively "Charges") due, they must still be paid. Pursuant to ORS 90.392 Landlord reserves the right to issue you a separate 30-day Notice to terminate your tenancy if you do not timely pay the Charges.

TOTAL RENT DUE must be paid by the Deadline, appearing below (Check applicable box):

1. **This Notice has been personally served.** The **Deadline** for payment is 11:59 PM on the _____ day of _____, 20 _____. (**Deadline** must be at least ten (10) days after the above **Date of This Notice** not counting the **Date of This Notice**. Example: If personal service occurred on the 8th of the month, the earliest **Deadline** would 11:59PM on the 18th.)
2. **This Notice was mailed via regular first-class mail to Tenant.** The **Deadline** for payment is 11:59 PM on the 31st day of May, 20 22. (**Deadline** must be at least ten (13) days after the above **Date of This Notice** not counting the **Date of This Notice**. Example: If the mailing occurred on the 8th of the month, the earliest **Deadline** would 11:59PM on the 21st.)
3. **This Notice was attached in a secure manner to the main entrance of Tenant's home on the above Date of This Notice AND also on the same date mailed to Resident via regular first-class mail.** The **Deadline** for payment is 11:59 PM on the _____ day of _____, 20 _____. (**Deadline** must be at least ten (10) days after the above **Date of This Notice**, not counting the **Date of This Notice**. Example: If mailing and attachment occurred on the 8th of the month, the earliest **Deadline** would 11:59 PM on the 18th.) *Caution: This attachment and mailing method of service should not be selected unless the Rental/Lease Agreement allows both the Landlord and Tenant to send notices to the other by this method. The current MHCO Rental/Lease Agreement does permit Landlord and Tenant to use this method of providing notices to each other.)*

FAILURE TO PAY THE ABOVE "TOTAL RENT DUE" BY THE "DEADLINE" INDICATED IN THE BOX CHECKED ABOVE TERMINATES YOUR TENANCY AND YOUR LANDLORD INTENDS TO TAKE POSSESSION OF THE PREMISES IN THE MANNER PROVIDED BY THE OREGON RESIDENTIAL LANDLORD AND TENANT ACT.

Warning: Oregon law provides that if you are a tenant renting a floating home slip in a marina or a space in a mobile home park or manufactured dwelling park, Landlord may evict you with not less than thirty (30) days written notice if you have received three 10-day notices within the previous twelve (12) month period ("the 3- strikes law"). If you receive a 30-day notice of termination under the 3-strikes law, you will have no right to avoid the termination by payment of past due rent.

THIS 10-DAY NOTICE IS YOUR (CHECK ONE BOX): FIRST SECOND THIRD 10-DAY NOTICE WITHIN THE PREVIOUS TWELVE MONTHS.

NOTICE TO VETERANS

If the recipient of this Notice is a veteran of the armed forces, assistance may be available from a veterans' service officer or community action agency in the County in which the recipient's property/space is located. Contact information for a local county veterans' service officer and community action agency may be obtained by calling a 2-1-1 information service.

Owner/Agent: Robert Hampton Date: 5/17/2022
Name of Community: Grants Pass MHP
Address: 1263 Main St. Office Springfield Or. 97477

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