**COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT**

Orange, ss Culver District Court

DOCKET NO: **07-04771**

Michael Bluth,

**Plaintiff – Landlord**

vs. **defendant's motion to dismiss**

Tobias Fünke

**Defendant - Tenant**

The Defendant moves in this summary process action that the Plaintiff’s claim for possession be dismissed because:

1. I have paid rent or tried to pay the landlord and therefore the landlord cannot terminate my tenancy with a 14-day Notice to Quit.
2. I "revived" my tenancy by paying all the rent "owed" within the time the law allows.
3. The landlord accepted my rent without reservation after service of Notice to Quit, creating a new tenancy, and, therefore, is barred from recovering possession of premises, G.L. c. 239, §1.

I hereby certify that I mailed a copy of this document to the landlord or his/her lawyer on March 23, 2018.

Tobias Fünke, DEFENDANT

/s/ Tobias Fünke

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