

IN THE JUSTICE OF THE PEACE COURT NO. 16
OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

DAN PEROZZI,

Plaintiff,

v.

ELIZABETH GRAHAM,

Defendant.

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C.A. No. JP16-08-007069

Submitted: February 3, 2009

Decided: February 3, 2009

JUSTICE OF THE PEACE
CHIEF MAGISTRATE
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Before **HUTCHISON, MURRAY** and **PENNELLA**, Magistrates.

ORDER

This is an action for summary possession and accrued rent owed in a landlord/tenant case, which was appealed to a three Justice of the Peace Panel. Trial *de novo* before a Special Court comprised of a Three Judge Panel, Judges Hutchison, Murray and Pennella as provided by 25 *Del. C.* § 5717(a) was scheduled this date. Dan Perozzi (“plaintiff”) and Elizabeth Graham (“defendant”) appeared *pro se*.

Plaintiff stated that Defendant owes rent, back rent, late fees and utility bills. Plaintiff submitted numerous exhibits in support of his claim. Plaintiff testified that the 7-day letter and other documents were made by personal service. Plaintiff did not submit a lease or testify as to the landlord tenant agreement or the amount of monthly rent.


Defendant defends she was not given the 7-day notice personally. Plaintiff admits to owing the utility bills which include two electric bills and two propane bills totaling \$605.24. Defendant also stated that she does not want possession.

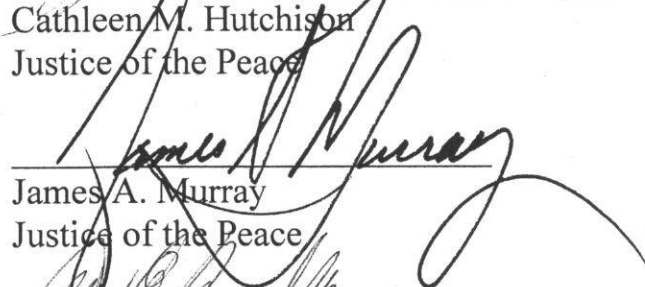
After considering the evidence presented and the testimony of the witnesses, the Court finds that the plaintiff has not proven his case by a preponderance of the evidence for the rent, back rent and late fees. Defendant admitted to owing the utilities bills and relinquished possession.

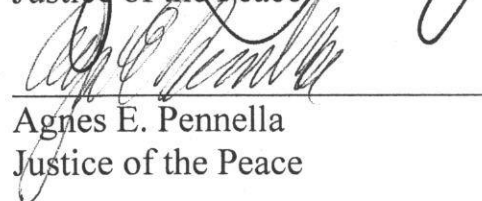
Therefore, judgment is awarded to the plaintiff and against the defendant in the amount of \$605.24, plus court costs of \$40.00, plus possession.

IT IS SO ORDERED this 3rd day of February, 2009.

Trial De Novo Panel


Cathleen M. Hutchison
Justice of the Peace


James A. Murray
Justice of the Peace


Agnes E. Pennella
Justice of the Peace