

**IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17**

**COURT ADDRESS:
23730 SHORTLY ROAD
GEORGETOWN DE 19947**

CIVIL ACTION NO: JP17-12-004295

GREENS RENTALS LLC VS LINDA WILLIAMS ET AL

**SYSTEM ID: FA770
JERRY LEWIS GREEN
C/O GREENS RENTALS LLC
PO BOX 114
MILLSBORO DE 19966**

Submitted: November 5, 2012
Decided: November 13, 2012

Appearances: Thelma Green represented the Plaintiff in accordance with Supreme Court Rule 57
Defendants Linda Williams and Lillian Jackson appeared *pro se*

NOTICE OF JUDGMENT/ORDER

The Court has entered a judgment or order in the following form:

NOTICE OF JUDGMENT/ORDER

Order of the Three Judge Panel

A trial de novo before a three judge panel comprised of the Hon. Stephani Adams, the Hon. Sheila Blakely, and the Hon. W. P. Wood was held on November 5, 2012.

Green Rentals, LLC (hereinafter "Plaintiff") initially filed an action on August 16, 2012 to recover possession of the rental unit located at 231 West Church Street in Millsboro, Delaware, occupied by Linda Williams and Lillian Jackson (hereinafter "Defendants"). The facts of the case were largely undisputed by the parties. The Plaintiff alleged that the Defendants repeatedly failed to pay their rent on the date that it was due. In a letter dated August 6, 2012 the Plaintiff demanded that the Defendants pay the past due rent and late fees in the amount of \$315 within 7 days. The Defendants conceded that for various reasons related to economic hardships, they were not able to pay the rent on time, but that they had as of today's date paid their rent through the month of November. Furthermore, the Defendants admitted receiving a reservation of rights notice from the Plaintiff when they made payments towards the past-due rent.

The Defendants suggested that the Plaintiff's filing was done in retaliation, after the Defendants sent a letter requesting repairs be made to the rental unit. However this letter was sent 2 days after the Plaintiff sent the August demand for rent letter. As a result, the panel found insufficient merit to consider the Plaintiff's action as retaliatory.

Having considered the evidence and testimony presented by both parties, it is the opinion of the Court that the Plaintiffs are in fact entitled to recover possession of the rental property pursuant to section 5702 of Chapter 25 of the Delaware Code. Because the Defendants have paid rent through the month of November, possession shall be awarded to the Plaintiff as of December 1, 2012. The ledger provided by the Plaintiff indicates that

court costs have already been collected, therefore no additional court costs shall be awarded. It is so ordered this 13th day of November, 2012.

IT IS SO ORDERED this 13th day of November, 2012

Stephanie Adams (SEAL)
Justice of the Peace/Court Official



NOTICE OF APPEAL RIGHTS

Any party has 15 days starting the day after the judgment is signed by the judge to appeal the judgment of the Justice of the Peace Court to the Court of Common Pleas of the above county. If the judgment involves an action for summary possession in a landlord/tenant case, then either party has 5 business days, starting the day after the judgment is signed by the judge, to appeal the judgment to a three judge panel at the Justice of the Peace Court where the judgment was ordered. You must complete all of the appeal requirements within those periods. To prevent dismissal, the appeal must name all of the parties as they were originally named in the Justice of the Peace Court action. (This applies even if the action was dismissed in the Justice of the Peace Court against one or more of the parties.) Additional information on appeal procedures is found in the attached sheet entitled "Justice of the Peace Courts Civil Post-Judgment Procedures". (J.P. Civ. Form No. 14A) If no appeal is filed, parties may remove all exhibits from the Court no sooner than 16 days and no later than 30 days, from the date of this judgment. If not removed, the Court may dispose of the exhibits without further notice to the parties.

Final Date of Appeal of a Civil Case to the Court of Common Pleas is 15 days from the judgment.

Final Date for Appeal of a Landlord/Tenant case to a 3 Judge Panel is 5 days from the judgment.