

**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: JP17-10-002812**

**HOLLYBROOK FARMS VS JODI GRAY**

**SYSTEM ID: @2285486  
JODI GRAY  
1103 HOLLYBROOK  
LAUREL DE 19956**

**NOTICE OF JUDGMENT/ORDER**

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

Case Heard: 8/23/10  
Case Decided: 8/27/10

**THREE JUDGE PANEL**

Appearances: Property Manager, Julie Smith appeared under Delaware Supreme Court Rule 57 on behalf of the plaintiff.

Defendant Jodi Gray appeared pro se.

**ORDER**

A trial de novo before a three judge panel, made up of the Hon. Sheila Blakely, the Hon. Richard Comly and the Hon. William P. Wood, was held. Plaintiff seeks possession of the premises and back rent in the amount of \$1,047.40, the amount due through the end of August, 2010. Defendant does not dispute any rents due for the months of February or March, 2010. Defendant does dispute the remainder of the rent due, since she alleges that the plaintiff failed to recalculate her rent after she had lost her job in March, 2010.

The dispute between the parties arose, after the defendant lost her job in late March, 2010. Both parties agree that the defendant went into the office on March 23, 2010 to report her loss of income and was given paperwork to fill out and return, since her rent was subsidized by the government under the Rural Development Program. The defendant contends that she returned on two occasions and handed in the required paperwork to someone working in the office, since Ms. Smith was seldom there. Julie Smith, the manager, maintains that the completed paperwork was never returned to her office.

The paperwork needed by the landlord was verification from two outside parties that (1) the defendant had lost her job, and (2) the source of any cash and/or non-cash contributions from non-household members of the defendant's family. These were documents required in order for the defendant to keep her government subsidized housing. Although the Court is convinced that the

defendant did lose her job, the defendant's failure to provide the Court with copies of the documents she allegedly handed in or any testimony from those who signed the documents, makes her defense less than convincing. Defendant also admitted that she should have paid her rent for February and March, but she did not do so, because she did not have the money.

The Court found that the landlord did send the required 5 day notice to the tenant as required under 25 Del. Code, Sec. 5502, but that none of the rent due was paid. Therefore under 25 Del. Code, Sec. 5702(2) the landlord is entitled to possession on the basis of non-payment of rent.

Judgment is therefore entered in favor of the plaintiff in the amount of \$1,026.40 (amount due through 8/27/10) plus per diem rent of \$5.25 for each day until the defendant vacates the premises, court costs of \$41.50 and post judgment interest of 5.75%.

It is so ordered this 27<sup>th</sup> day of August, 2010.

Sheila G. Blakely for: Blakely  
Hon. Sheila G. Blakely  
For the Panel

