

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

New Tech Auto Sales, :  
 : C.A. No. 05-11-0095AP  
Plaintiff below/ :  
Appellant, :  
 :  
v. :  
 :  
Steele Trucking/Eddie Steele, :  
 :  
Defendant below/ :  
Appellee. :

And

New Tech Auto Sales, :  
 : C.A. No. 05-11-0096AP  
Plaintiff below/ :  
Appellant, :  
 :  
v. :  
 :  
Steele Trucking/Eddie Steele, :  
 :  
Defendant below/ :  
Appellee. :

**Submitted: March 22, 2006**

**Decided: March 23, 2006**

**Decision on appeals from the Justice of the Peace Court.**

**Appellant's appeals are dismissed for lack of jurisdiction.**

**New Tech Auto Sales, 1215 South DuPont Highway, Smyrna, Delaware, 19977, Pro Se Plaintiff Below/Appellant.**

**Eddie Steele, 5585 South DuPont Highway, Smyrna, Delaware 19977, Pro Se Defendant Below/Appellee.**

**Trader, J.**

In these civil appeals from the Justice of the Peace Court No.16, I hold that this Court lacks jurisdiction to consider this appeal. This is because a lienholder's application for a garage owner's lien must be presented to a Justice of the Peace in the county in which the lienholder's business establishment is situated, and the consideration of such an application is within the exclusive jurisdiction of the Justice of the Peace Court under 25 Del. C. Sec. 3909.

The posture of the case is as follows: In two cases in Justice of the Peace Court No.16, New Tech Auto Sales (New Tech) applied to the Court for the enforcement of a garage owner's lien against Steele Trucking. The magistrate would not authorize enforcement of the liens, and in each case entered judgment for the Defendant, Steele Trucking. In both cases, New Tech filed a praecipe for appeal to this Court within the statutory time. New Tech has never filed a Complaint in this Court in accordance with the Rules of Court, and New Tech is a corporation and is not represented by counsel.

Under 25 Del. C. Sec. 3901, a garage owner who stores or safekeeps a motor vehicle for a price shall have a lien upon the motor vehicle to secure payment of such price. This statutory lien can be enforced under 25 Del. C. Sec. 3903, but the enforcement of such lien is exclusively within the jurisdiction of the Justice of the Peace Court.

25 Del. C. Sec. 3909 provides as follows:

Except where a lienholder's business establishment is located within the city limits of Milford or within 3 miles of said limits in which case Justice of the Peace Court No. 5 in Milford shall have exclusive jurisdiction, the Justice of the Peace Court in the county in which the lienholder's business establishment is situated shall have exclusive jurisdiction of all petitions for sale or replevin under this chapter, notwithstanding any monetary amount which is claimed by the lienholder.

Because the Justice of the Peace Court has exclusive jurisdiction under the above section, there is no appeal to this Court. Alternatively, the appeal must be dismissed because the plaintiff has not filed a Complaint in accordance with the Rules of Court within fifteen days as required by the Rules of Court. Additionally, in this Court a corporation must be represented by counsel and cannot proceed in this Court without being represented by counsel.

For the forgoing reasons, the above captioned civil actions are dismissed.

**IT IS SO ORDERED.**

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**Merrill C. Trader**  
**Judge**