

**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: JP17-08-001501

TEKMEN GROUP LLC VS SELBYVILLE SHELL ONE LLC ET AL

**SYSTEM ID: @832173
TEKMEN GROUP, LLC
C/O NUH TEKMEEN, PRESIDENT
3100 HIGHWAY ONE
REHOBOTH BEACH DE 19971**

Appearances: **John A. Sergovic, Jr., Esquire appeared for plaintiff
Michael F. McGroerty, Esquire appeared for defendants**

Sitting Judges: **Honorable Judge A. Davis
Honorable Judge S. Blakely
Honorable Judge W. P. Wood**

Submitted: **January 12, 2009**
Decided: **January 15, 2009**

NOTICE OF COURT ACTION

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

ORDER

The parties to this action appeared before this three judge panel on a landlord-tenant appeal *de novo*. Plaintiff originally filed this action seeking possession of its commercial property located at 19 North Dupont Highway, Selbyville, Delaware based upon several alleged lease violations. Defendants aver in their defense that plaintiff breached its duty to deal in good faith in its contract with defendants. Additionally, defendants aver that some of the lease violations have not been corrected because of impossibility of performance.

Having heard the testimony and having carefully considered the evidence submitted during trial, the panel unanimously agrees that there is no evidence of failure to deal in good faith by the plaintiff. The panel also unanimously agrees that defendants breached their contract by failing to

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timely pay rent, failing to keep the business operating and failing to meet the minimum fuel sales requirements. The panel also concludes that the defenses presented to plaintiff's claims are unconvincing. While plaintiff's actions would not be considered overly accommodating, they did not use it to a level of breach.

Accordingly, judgment for possession of the rental property and court costs is awarded in favor of Tekmen Group, LLC and against Selbyville Shell, LLC and Cemal Yavuz.



IT IS SO ORDERED this 15th day of January, 2000

Christall Bradley for Judges Davis, Blakely & Wood (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.

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GEORGETOWN DE 19947**

CIVIL ACTION NO: JP17-08-001501

TEKMEN GROUP, LLC, PLAINTIFF

----- VS -----

SELBYVILLE SHELL ONE LLC, CEMAL YAVUZ, DEFENDANT

Plaintiff Parties:

PLAINTIFF
SYSTEM ID: @832173
TEKMEN GROUP, LLC
C/O NUH TEKMEEN, PRESIDENT
3100 HIGHWAY ONE
REHOBOTH BEACH, DE 19971

ATTORNEY FOR PLAINTIFF
SYSTEM ID: 000623
JOHN A SERGOVIC JR..
SERGOVIC & CARMEAN. P.A.
123 WEST MARKET STREET
P.O. BOX 751
GEORGETOWN, DE 19947

Defendant Parties:

DEFENDANT
SYSTEM ID: @618523
SELBYVILLE SHELL ONE LLC
19 NORTH DUPONT HIGHWAY
SELBYVILLE, DE 19971

DEFENDANT
SYSTEM ID: @833526
CEMAL YAVUZ
20 RABBIT RUN LANE
OCEAN PINES, MD 21811

ATTORNEY FOR DEFENDANT
SYSTEM ID: 000593
MICHAEL F MCGROERTY
110 PINE STREET
SEAFORD, DE 19973

DEFENDANT
SYSTEM ID: @833526
CEMAL YAVUZ
19 NORTH DUPONT HIGHWAY
SELBYVILLE, DE 19971

Other Case Parties: