

**IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR NEW CASTLE COUNTY
COURT NO. 13**

PLAINTIFF

Wilmington Housing Authority
c/o Joseph J. Farnan III Esq.
1200 N. Broom Street
Wilmington, De. 19801

CIVIL ACTION: JP13-08-011088

DEFENDANT

William Jackson
c/o John P. Brady Esq.
100 W. 10th Street, Suite 801
Wilmington, De. 19801

ORDER OF JUDGEMENT
TRIAL DENOVO PANEL

PANEL:

Bonita N. Lee, Justice of the Peace
Katharine B. Ross, Justice of the Peace
Vernon A. Taylor, Justice of the Peace

January 21, 2009. Defendant brings this appeal following a ruling below in which Plaintiff/Landlord was awarded a monetary judgement of \$ 213.36 and court costs along with possession of the rental unit at 1625 Gilpin Avenue, Wilmington, DE 19806, a property managed by the Wilmington Housing Authority.

Plaintiff sought possession alleging that Defendant failed to pay rent due and owed from August 2008 and that they were entitled to collect rent from Defendant.

(2)

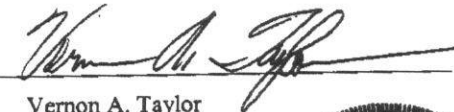
This Court finds that Defendant's attempts to pay rent were inadequate and, further, that Defendant does not refute that rent is owed. The amount demanded by Plaintiff was \$ 388.99 but Plaintiff failed to provide credible evidence that would establish entitlement to that amount. The Court determined that a more accurate assessment of the amount owed is \$ 276.72 from August 2008 until the date of this appeal.

This Court will award \$ 276.72, court costs of \$ 40.00, possession and per diem @ \$1.67.

By a majority vote, this Court finds that a bona fide dispute exists as to the amount owed and that the facts are such that the Court will, as a matter of equity, afford Defendant the opportunity to avoid termination and eviction by paying all amounts due as determined by this Court. The possession order is conditionally and temporarily stayed. This is an extremely narrow holding, applicable only to this case.

Defendant is ordered to pay Plaintiff \$ 300.00 within 10 days. This amount includes full rental payment through the end of January 2009 plus the \$ 40.00 court costs. If the money is not paid by January 26, 2009, Plaintiff may file for immediate possession. Payment is to be made in accordance with the rules for payment as established by the Wilmington Housing Authority.

IT IS SO ORDERED this 21st day of January 2009



Vernon A. Taylor
Justice of the Peace
For the Three Judge Panel

