IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE, IN AND FOR KENT COUNTY COURT NO. 16

COURT ADDRESS:
480 BANK LN
DOVER DE 19904

CIVIL ACTION NO: JP16-09-001640

OWNERS MANAGEMENT COMPANY VS JENNIFER PROSCIA

SYSTEM ID: 003485
JEFFREY J CLARK
414 SOUTH STATE STREET
P.O. BOX 497
DOVER DE 19903

ORDER

An appeal was filed by Defendant, Jennifer Proscia, as a result of a trial before Judge Murray where Plaintiff, Owner's Management Company, represented by Jeffrey Clark, Esq., was awarded possession of Defendant's rental unit. The appeal was filed timely by the Defendant. A Three Judge Panel, as provided by 25 *Del. C.* § 5717 (a), convened August 6, 2009 at 8:30 a.m. for a trial de novo before Judge Pennella, Plack, and Arndt.

Plaintiff contends Defendant was in violation of her Section 8 lease by having an unauthorized person living in the unit. In addition it was alleged stolen firearms were recovered in the rental unit as well as other stolen property. This being a violation of her lease, an action for possession was filed against Defendant.

Plaintiff's witnesses; Officers Wheeler and Foraker of Probation and Parole testified the Defendant advised them Maurice Byrom resided with her in the rental unit. His brother, Anthony Byrom, was a guest in the unit. Anthony Byrom was wanted by Probation and Parole for a violation of probation. It was testified that both Maurice Byrom and Defendant are also on probation. As a result of a search warrant, several reported stolen items were recovered as well as 2 stolen shot guns in a utility closet within the rental unit.

Defendant testified she has no idea the items were stolen. She wished to have a second chance as she had two small children and they would be homeless. Defendant testified the charges against her were dropped. Defendant admitted she told officers Maurice Byrom lived there and he had clothes there, but he really did not live there. Defendant again requested a second chance.

Plaintiff contends under Section 8 Federal Housing Regulations the presence of firearms, stolen or not, are a material breach of the lease, as well as having an unauthorized resident, were grounds for termination for her lease.

After review of the testimony and evidence the Court finds Defendant was in violation of her lease, and the violation was serious. The presence of stolen firearms and other stolen property, as well as an unauthorized occupant were a material breach of the Section 8 Lease Rules and Regulations. Therefore, the Court awards possession to the Plaintiff as well as Court Costs.

IT IS SO ORDERED this 6th day of August, 2009

_____(SEAL)
Judge Ernst M. Arndt

IT IS SO ORDERED this 6th day of August, 2009

_____(SEAL)
Judge Agnes E. Pennella

IT IS SO ORDERED this 6th day of August, 2009

_____(SEAL)
Judge Christian J. Plack

IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE, IN AND FOR KENT COUNTY COURT NO. 16

COURT ADDRESS:
480 BANK LN
DOVER DE 19904

CIVIL ACTION NO: JP16-09-001640

OWNERS MANAGEMENT COMPANY, PLAINTIFF
VS
JENNIFER PROSCIA

Plaintiff Parties:
ATTORNEY FOR PLAINTIFF
SYSTEM ID: 003485
JEFFREY J CLARK
414 SOUTH STATE STREET
P.O. BOX 497
DOVER, DE 19903

PLAINTIFF
SYSTEM ID: @439886
OWNERS MANAGEMENT COMPANY
C/O JEFFREY J. CLARK, ESQ.
414 S STATE STREET
DOVER, DE 19901

Defendant Parties:
DEFENDANT
SYSTEM ID: @1188587
JENNIFER PROSCIA
UNIT 8
23 LINSTONE LANE
MILFORD, DE 19963

Other Case Parties: