

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

JUAN HERNANDEZ,
JEANETTE GUZMAN,

Defendants Below,
Appellant,

v.

SERENITY MANOR ESTATES LLC,

Plaintiff Below,
Appellee.

C.A. No. JP16-16-005134

TRIAL DE NOVO

Submitted: November 4, 2016

Decided: November 4, 2016

Juan Hernandez, Defendant/Appellant, *pro se*.
Jeanette Guzman, Defendant/Appellant, *pro se*.
Interpreter Evelyn Diaz appeared to aid Defendants.

Serenity Manor Estates LLC, Plaintiff/Appellee, represented by Form 50 Agent
Tammy Huffstutler

ORDER

Murray, J
Dillard, J
Sweet, J

On November 4, 2016 this Court, comprised of the Honorable James A. Murray, the Honorable Dwight D. Dillard and the Honorable W.J. Sweet, acting as a special court pursuant to 25 Del. C. § 5717(a)¹ held a trial *de novo* in reference to a Landlord/Tenant Summary Possession petition filed by Serenity Manor Estates LLC, (hereinafter referred to as Plaintiff), against Juan Hernandez and Jeanette Guzman (hereinafter referred to as Defendant or Defendants).

Factual and Procedural Background

Plaintiff filed a Landlord/Tenant Summary Possession petition with Justice of the Peace Court No. 16 seeking possession, court cost, accrued rent and late fees. This action is based on the Defendants failure to pay rent. Trial was held on October 11, 2016 and judgment was entered in favor of Defendants.² Thereafter, Plaintiff filed a timely appeal of the Court's Order pursuant to 25 Del. C. § 5717(a) on October 14, 2016. Trial *de novo* was thereafter scheduled and held on November 4, 2016.

Default Judgment

Court convened trial more than fifteen minutes beyond the appointed scheduled time for trial to commence. Defendants failed to respond to the Courts call to trial. The Court verified with court staff that Defendants failed to check in

¹ 25 Del. C. § 5717(a). *Nonjury trials*. With regard to nonjury trials, a party aggrieved by the judgment rendered in such proceeding may request in writing, within 5 days after judgment, a trial *de novo* before a special court comprised of 3 justices of the peace other than the justice of the peace who presided at the trial, as appointed by the chief magistrate or a designee, which shall render final judgment, by majority vote....

² *Serenity Manor Estates LLC, v. Juan Hernandez, et al*, Del. J.P., C.A. No. JP16-16-005134, Sherlock, J. (October 11, 2016).

for trial as well as had Court Officer verify that they were not seated in the waiting room. Upon Defendants failure to appear, Plaintiff motioned the Court for a Default Judgment. Plaintiff proffered a Default Judgment Worksheet and affirmed to its contents.

Review of Courts file indicated summonses were mailed to Defendants current address.

Conclusion

Therefore, based on the Court's fact finding inquiry, Plaintiff's sworn affirmation that all information provided to the Court is true and correct, the Court by unanimous vote **GRANTS** Plaintiff's Motion for entry of Default Judgment.

Default Judgment in favor of Plaintiff as follows:

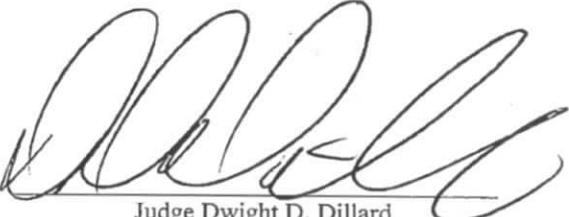
Judgment: \$2500.00

Court Cost: \$40.00

Post Judgment Interest at Legal Rate 6%

Possession of rental unit

IT IS SO ORDERED, this 4th day of November, 2016.



Judge Dwight D. Dillard

