

On February 7, 2012, the Court held a trial *de novo* for a Landlord/Tenant Summary Possession appeal filed by Lakisa Perry ("Defendant"), against Suzanne Noll ("Plaintiff"). This Special Court, comprised of the Honorable Dwight D. Dillard, the Honorable Cathleen M. Hutchison and the Honorable James A. Murray, convened pursuant to 25 *Del. C.* § 5717(a).² After hearing testimony and reviewing the evidence, the panel finds for Plaintiff.

History of Petition

The original trial was held on January 9, 2012 where the Court found in favor of the Plaintiff. Judgment³ was entered the same day in the amount of \$1401.24 plus court costs, post judgment interest, per diem and possession of rental unit at address Trailer #1, 171 N. Edgehill Ave., Dover, DE, 19901. Defendant filed a timely appeal on January 12, 2012.

Testimony of Parties

Trial commenced and Plaintiff Suzanne Noll testified that on October 13, 2011 a rental agreement was signed by Guango Correa and Lakisa Perry⁴. Plaintiff testified the monthly rent was \$550.00 and was prorated for the month of October. Plaintiff testified the Defendant failed to pay any rent.

Plaintiff introduced evidence of 5 day letter for unpaid rent signed by the Defendant, rental agreement between the parties, \$40 in money orders from Defendant and proof of \$550.00 in charitable donations towards Defendants' rent⁵. Plaintiff requested the Court award her rent from October 13, 2011 to February 7, 2012 totaling \$1565.56 (\$2155.56 - \$590.00 credit) and possession.

Defendant did not cross examine Plaintiff.

Defendant Lakisa Perry testified she is no longer residing at the rental unit and will be removing her belongings as soon as possible.

Plaintiff did not cross examine Defendant.

² 25 *Del. C.* § 5717(a). Stay of proceedings on appeal. 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....

³ *Noll v. Correa*, Del. J.P., C.A. No. JP16-11-006695, Sweet, J. (Jan. 9, 2012).

⁴ Plaintiff exhibit #3, rental agreement dated October 13, 2011.

⁵ Plaintiff exhibit #4

Discussion

Plaintiff established a landlord/tenant relationship and provided proper notice of unpaid rent as required by 25 Del. C. § 5502(a). Defendant provided no evidence to contradict the Plaintiff's assertion that she did not pay rent being sought.

Conclusion

Based on the foregoing, the panel finds by unanimous verdict that the Plaintiff has proven her claim by a preponderance of evidence. Therefore, judgment is entered in favor of Plaintiff Suzanne Noll and against Defendant Lakisa Perry as follows:

Amount Claimed: \$1565.56⁶
\$18.33 Per Diem Rent beginning 02/08/2012 until possession
Court Costs: \$40.00
Possession to Plaintiff

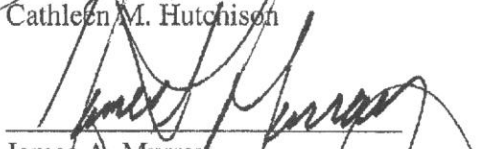
Decision announced in open court.

IT IS SO ORDERED this 7th day of February, 2012.

Trial De Novo Panel


Dwight D. Dillard


Cathleen M. Hutchison


James A. Murray

⁶ Amount claimed of \$1565.56 includes: Monthly Rent @ \$550.00 for 13-31 October, November, December 2011 and January 2012. (Total \$1987.25), Per Diem Rent at \$18.33 from February 1-7, 2012 (Total \$128.31), Late Fees \$40.00 and a credit of \$590.00 in Charity Payments.