

**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: JP17-12-006140

CROSSINGS AT OAK ORCHARD LLC VS MABEL BANNISTER

**SYSTEM ID: @2538165
MABEL BANNISTER
27794 CHRIS DRIVE
MILLSBORO DE 19966**

Appearances: John F. Brady, Esquire appeared for the Plaintiff; Defendant
appeared pro se
Submitted: February 4, 2013
Decided: February 5, 2013

NOTICE OF JUDGMENT/ORDER

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

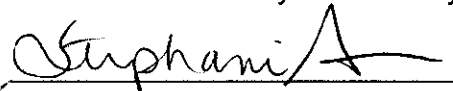
Plaintiff seeks back rent and possession of its rental property in this landlord-tenant appeals case. Defendant avers that she discovered that Plaintiff is not the real owner of the mobile home she agreed to rent and that consequently Plaintiff has no right to bring an action against her.

Having heard the testimony and considered the evidence submitted during trial de novo the three judge panel has unanimously agreed that Plaintiff has proven its case. Plaintiff's agent testified that the former owner of the mobile home relinquished ownership to it upon vacating. Plaintiff also presented a lease executed between it and Defendant on June 19, 2012. When Defendant became delinquent with her rent (\$775.00 per month), Plaintiff properly notified her of the opportunity to cure within 5 days as prescribed by 25 Del. C. § 5502. Defendant failed to cure and has not paid rent since August 7, 2012 when she paid the balance of July's rent.

Accordingly judgment is awarded to Crossings at Oak Orchard against Mabel Bannister for \$5,011.40, accruing rent of \$25.83 per day until the rental property is vacated, court costs and possession. However, pursuant to 25 Del. C. § 5716 the panel finds that a good faith dispute exists as the issue of title to the mobile home could raise doubts to any reasonable person. Consequently if Defendant pays \$5,697.25 (back rent due including February 2013 and court costs) on or before February 18, 2013, she shall retain possession and this action will be dismissed. If Defendant fails to pay within the prescribed time, Plaintiff may obtain a writ of possession between February 19, 2013 and March 19, 2013 upon affidavit.

IT IS SO ORDERED this 05th day of February, 2013



 (SEAL)
Justice of the Peace/Court Official
For the panel
Sheila Blakely, William Wood, John Adams

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.