

**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: JP17-12-006272

OLD LANDING II APARTMENTS VS GERALD HOOD

**SYSTEM ID: @283511
OLD LANDING II APARTMENTS
PO BOX 177
MILLSBORO DE 19966**

Appearances: Alanda Banks appeared for Plaintiff
pursuant to Supreme Court Rule 57; Defendant appeared pro se

Submitted: January 28, 2012

Decided: January 29, 2013

NOTICE OF JUDGMENT/ORDER

Plaintiff (hereinafter Old Landing II) seeks back rent and possession of its rental unit in this landlord-tenant appeals case before a three judge panel. Defendant (hereinafter Hood) claims that the landlord's representative had told him if rent was paid before the court date of December 10, 2012, he would be able to retain possession of his unit. He also claims that rent was paid before the court date, but a default judgment was entered against him.

Having heard the testimony and considered the evidence submitted during trial this three judge panel unanimously finds in favor of the plaintiff Old Landing II. The preponderance of the evidence proven at trial shows that Hood paid November's rent on December 10, 2012, leaving payment in a drop box. December's rent was still unpaid and November's rent was not paid within the five days demanded by Old Landing II in its November 7, 2012 letter to Hood. The default judgment entered against Hood was for \$148.88, which represented a per diem for December's rent, and possession.

Subsequently Hood paid December's rent on or about January 14, 2013. Each time Hood paid rent untimely in December and January Old Landing II notified him of its reservation of rights to proceed for summary possession. As

of the day of trial, January's rent had not been paid. Consequently Old Landing is entitled to back rent and possession.

Accordingly judgment is awarded Old Landing II Apartments against Gerald Hood for \$430.07, accruing rent at \$14.83 per day until the unit is vacated, court costs and possession of the rental unit.

IT IS SO ORDERED this 30th day of January, 2013

/s/ William Wood (SEAL)

Justice of the Peace/Court Official

For the panel

Sheila Blakley, Stephani Adams, William Wood

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.