

**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: JP17-13-005970

JEFFREY STEER VS STEVEN J YAEGER II

**SYSTEM ID: @2631532
JEFFREY STEER
P O BOX 71
HARBESON DE 19951**

Submitted: January 31, 2014
Decided: February 4, 2014

Appearances:

Jeffrey Steer and Patrice Ward *pro se*
Stephen E. Smith, Esq., Baird Mandalas, Brockstedt, LLC, Dover, for Steven J. Yaeger II

Before:

John Adams, Richard Comly and Wm. Patrick Wood, JP

Comly for the Court

ORDER

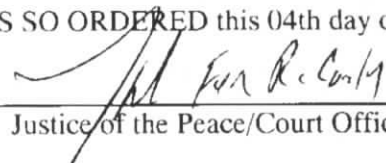
This is an appeal of a summary possession case pursuant to 25 *Del. C.* § 5717(a). Jeffrey Steer and Patrice Ward, herein after the tenants, filed this petition for receivership pursuant to 25 *Del. C.* § 5901. Steven J. Yeager II, herein after the landlord, filed a counterclaim seeking possession of the rental unit pursuant to 25 *Del. C.* § 5702(1).

The parties entered into a verbal lease agreement in 2008. At that time Jeffrey Steer was permitted to reside at the rental unit known as 20207 Gravel Hill Road, Georgetown, Delaware and was to pay for the utilities. Patrice Ward was permitted to take up residence at the rental unit in 2011. In September 2013 the landlord sent the tenants a notice that he was terminating the lease as of December 1, 2013. In October 2013 the tenants notified the landlord of problems with the rental unit. These included a failed septic system, a leaking roof, mold and an exterior door that was nailed shut. On December 4, 2013, Clean Delaware, LLC repaired the septic system and certified that the system was in satisfactory working order. The tenants testified that they now believe that the septic system mound is failing but offered no expert testimony to support their claim. There is evidence that there is mold in the rental unit but there is no evidence that the mold constitutes a “[c]ondition imminently dangerous to the life, health or safety of the tenant” as required by 25 *Del. C.* § 5901(2) in order for the Court to order a receivership. There is also evidence that the roof leaks and that the one door is nailed shut but these conditions are also not sufficient to establish the need for a receivership. Based on the above the petition for receivership is denied.

The Court will now turn to the counterclaim for possession. There is no written lease but the parties do not dispute the terms of the agreement. The tenants have possession of the rental unit and all they have to do is pay for the utilities. Pursuant to 25 Del. C. § 5106(b) the lease is a month-to-month lease. Either party may terminate a month-to-month lease by giving a 60-day notice; see 25 Del. C. § 5106(d). The landlord sent the tenants a 60-day termination notice that they received on September 10, 2013. Based on that notice the lease terminated on December 1, 2013. The landlord is entitled to possession pursuant to 25 Del. C. § 5702(1).

Accordingly, tenants' petition for receivership is denied. On the counterclaim, possession is granted to the landlord, Steven J. Yaeger II. Each party has paid their own costs to this point however future costs are awarded to Steven J. Yaeger II.

IT IS SO ORDERED this 04th day of February 2014


Justice of the Peace/Court Official



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.