

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

**COURT ADDRESS:  
480 BANK LN  
DOVER DE 19904**

**CIVIL ACTION NO: JP16-13-006126**

**RESI DEVELOPMENTS LLC VS JUAN STAFFORD**

**SYSTEM ID: @2622249  
JUAN STAFFORD  
227 TIDBURY CROSSING  
CAMDEN DE 19934**

**ORDER**

The Plaintiff in Civil Action JP16-13-006126 is seeking summary possession and debt from the Defendant. The lease is a subject to an option by buy. The case was originally heard November 4, 2013 and judgment in favor of the Plaintiff was entered two days later. On November 12, 2013 the Defendant filed for a trial de novo. The trial de novo panel is comprised of Judge E. Arndt, Judge W. Sweet, and Judge R. Wall.

During opening statements and testimony parties agreed that the Defendant vacated and surrendered possession of the rental unit effective November 19, 2013. This resolves the issue of summary possession.

It was not contested that only \$500.00 rent was paid between December 1, 2012 and the effective date possession of the rental unit was surrendered on November 19, 2013. That is \$10,000.00 rent, \$500.00 late fees and accrued rent as a holdover tenant \$3,268.63 minus the single partial payment of \$500.00. The total rent owed is \$13,268.63.

The defense for non payment of rent was the contention that the Defendant deserved a set off of \$9,000.00. That is the amount the Defendant claimed to have paid as a down payment required by the option to buy. The contract for the option to buy was with Anderson Homes, a third party not before the Court. The option to buy expired December 10, 2009. Finally, statute is clear at 25 Del. C. § 5717 (b) that where there is an appeal pursuant to that section and a counterclaim is added to the original action, the counterclaim must be filed within five days and there must be a bill of particulars. The Defendant failed to comply with both requirements.

For the above cited reasons, the Court denies any counterclaim or set off.

As to debt, the Court unanimously agrees the Plaintiff has prevailed by a preponderance of the evidence in the amount of \$13,268.63.

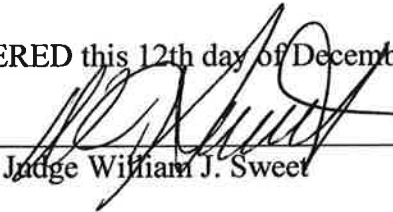
Possession of the rental unit is awarded to the Plaintiff.

Judgment is entered against the Defendant in the amount of \$13,268.63, costs and post judgment interest is 5.75%.

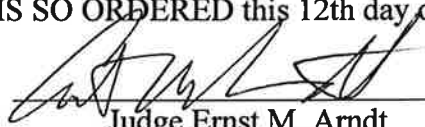
IT IS SO ORDERED this 12th day of December, 2013

 (SEAL)  
Judge Robert B. Wall Jr.

IT IS SO ORDERED this 12th day of December, 2013

 (SEAL)  
Judge William J. Sweet

IT IS SO ORDERED this 12th day of December, 2013

 (SEAL)  
Judge Ernst M. Arndt