

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17**

JAMES HITCHENS
Plaintiff Below,
Appellant

VS

ASHLEY BOWLES
Defendant Below,
Appellee

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C.A. No. JP17-18-007257

TRIAL DE NOVO

Submitted: January 28, 2019

Decided: January 29, 2019

APPEARANCES:

JAMES HITCHENS was self represented

ASHLEY BOWLES was self represented

Sheila G Blakely, Deputy Chief Justice of the Peace

Richard Comly, Jr., Justice of the Peace

Christopher Bradley, Justice of the Peace

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17**

CIVIL ACTION NO: JP17-18-007257

JAMES HITCHENS VS ASHLEY BOWLES

ORDER ON TRIAL DE NOVO

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

A trial de novo was held before a three judge panel made up of the Hon. Sheila G. Blakely, the Hon. Richard Comly, Jr. and the Hon. Christopher A. Bradley with Judge Comly presiding. Plaintiff James Hitchens (hereinafter "Hitchens") filed this action on November 19, 2018, seeking back rent and possession of the property located at 32786 Vera Lane, Millsboro, DE 19966. A trial was held before the Hon. Deborah Keenan on December 13, 2018 and a decision was rendered in the defendant's favor on December 20, 2018. Plaintiff appealed this decision to a three judge panel in a timely manner on December 31, 2018.

After reviewing the evidence and testimony presented at the trial de novo, the Court finds in favor of the defendant. Plaintiff failed to establish the exact amount of rent that is currently due, nor was the plaintiff able to provide a copy of the demand for rent notice required to be sent to the defendant under 25 Del. Code, Sec. 5502 before filing in Court. Defendant denies that any rent money is due and testified that she is required to pay Hitchens in cash, as he will not accept the payment of rent by check or money order. Plaintiff provided the Court with no bookkeeping ledger for the rent payments on this property and stated when asked that he did not have a copy of the Landlord Tenant Code. The defendant also testified that she was never given a copy of the Code by Hitchens.

Hitchens expressed frustration with the Court and the fact that he did not know the correct legal steps to take to successfully evict the defendant. The Court is not allowed to give legal advice, but it would strongly urge the plaintiff to seek legal advice from a Delaware attorney familiar with the Delaware Landlord-Tenant Code.

Every landlord and tenant in the state should be familiar with the Delaware Landlord-Tenant Code as this Code sets out the rules and regulations required to be followed by both the landlord and the tenant. Under 25 Del. Code, Sec. 5118, a landlord is required to provide a summary of the Delaware Landlord-Tenant Code to every tenant at the beginning of their rental term.

For all the reasons stated above, judgment is rendered in favor of the defendant.

IT IS SO ORDERED 29th day of January, 2019

/s/Sheila G Blakely
Hon. Sheila G. Blakely
For the Three Judge Panel



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).