

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

WILLIAM BAILEY
Plaintiff Below,
Appellee

VS

LITHA SMITH
Defendant Below,
Appellant

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C.A. No. JP17-21-000881

TRIAL DE NOVO

Submitted: April 22, 2021
Decided: April 26, 2021

APPEARANCES:

Both parties appeared pro se

William Wood, Justice of the Peace
Richard Comly, Justice of the Peace
John Martin, Senior 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: JP17-21-000881

WILLIAM BAILEY VS LITHA SMITH

ORDER ON TRIAL DE NOVO

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

Plaintiff seeks possession of a room in his home that he has rented to Defendant. Defendant has appealed the matter before a three judge panel for a trial de novo. The panel, after carefully considering the testimony and evidence submitted at trial, finds that Plaintiff has proven by a preponderance of the evidence that Defendant has failed to pay rent (\$450.00 per month) for a total of \$2,987.00 through April 26, 2021 and a bad check fee of \$20.00; Plaintiff failed to prove that Defendant was given notice of the \$25.00 per month rent increase he sought. Plaintiff also proved that he is entitled to possession based upon the 60 Days' notice presented to Defendant. Defendants claims of failing to receive the full benefit of her bargain and that Plaintiff was intercepting her mail were unsubstantiated.

Accordingly, judgment, by unanimous decision, is awarded William Bailey against Litha Smith for \$3,007.00, accruing rent at \$15.00 per day until the rental unit is vacated, \$45.00 court costs and possession of the rental unit. Post judgment interest shall accrue at the legal rate of 5.25% per annum. The panel also unanimously agrees that in the interest of justice Plaintiff be granted a Writ of Possession upon application based upon the amount of money owed and the fact that Defendant is occupying his room while he is relegated to the garage until this matter is resolved.

IT IS SO ORDERED 26th day of April, 2021

/S/ WILLIAM P. WOOD

Justice of the Peace

Judge Wm P Wood for the 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).

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