

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

DOVE ROAD LLC  
Plaintiff Below,  
Appellee

VS

THOMAS CLEMMONS  
Defendant Below,  
Appellant

§  
§  
§  
§  
§  
§  
§  
§  
§

C.A. No. JP17-21-000232

TRIAL DE NOVO

Submitted: May 24, 2021

Decided: May 26, 2021

**APPEARANCES:**

Drew Ward appeared for Plaintiff pursuant to Supreme Court Rule 57  
Thomas Clemmons appeared pro se

Richard Comly, Justice of the Peace  
William Wood, Justice of the Peace  
John Matrin, 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: JP17-21-000232**

**DOVE ROAD VS THOMAS CLEMMONS**

**ORDER ON TRIAL DE NOVO**

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

Plaintiff seeks back rent and possession of its rental property for the non-payment of rent and continued rules violations. Defendant acknowledges owing back rent, but claims he has the monies due and that Plaintiff has often allowed payment after court dates in the past. Defendant does dispute the rules violation averring that he received a notice in 2016 and has had conversations with Plaintiff about parking issues, but did not believe that he would be evicted for his failure to cure. Having heard the testimony and considered the evidence submitted during trial, the Panel finds that Plaintiff is entitled to judgment based on non-payment of rent. The Panel also finds that Plaintiff's case for possession based upon rules violations is not sustainable in this action as the statutorily required notice affording Defendant an opportunity to cure is over five years old and therefore stale. In other words, if Plaintiff wishes to pursue a summary possession action for rules violations, a more current notice is required, particularly when the Defendant raises it as an issue.

Plaintiff proved and Defendant acknowledged that \$3,200.00 in back rent is due through the end of May 2021. Plaintiff acknowledged that if Defendant paid back rent due, it would forego the possession matter as it pertains to rent. Accordingly, judgment is awarded Dove Road against Thomas Clemmons for \$3,133.25, accruing rent at \$13.33 per day, \$57.50 court costs and possession. However, pursuant to 25 Del C §5716, the Panel finds that a good faith dispute exists and the judgment is stayed. If Defendant pays \$3,657.50 (includes rent through the end of June) on or before June 6, 2021, Plaintiff shall notify the Court and the action will be deemed satisfied. Upon affidavit by Plaintiff that Defendant has failed to pay as herein prescribed, Plaintiff may have the stay lifted and obtain a writ of possession between June 7, 2021 and no later than July 7, 2021.

Defendant is advised to make his payment directly to the Plaintiff when Plaintiff can provide a receipt or to send it via accountable mail where Plaintiff would sign for documents.

IT IS SO ORDERED 26th day of May, 2021

/S/ William Wood

Justice of the Peace William Wood  
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).

VIEW YOUR CASE ONLINE: <https://courtconnect.courts.delaware.gov>