

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

MHC MCNICOL PLACE LLC,
APPELLEE
Plaintiff Below,

VS

ROBERT KRAVIS, APPELLANT
Defendant Below,

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C.A. No. JP17-21-002617

TRIAL DE NOVO

Submitted: February 24, 2022

Decided: March 24, 2022

APPEARANCES:

Jillian Pratt, Esq. represented the Plaintiff Below/Appellee, MHC McNicol Place, LLC.
Olga Beskrone, Esq., represented the Defendant Below/Appellant, Robert Kravis.

Deborah J. Keenan, Deputy Chief Magistrate
Richard C. Comly, Justice of the Peace
Scott Willey, Justice of the Peace

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
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CIVIL ACTION NO: JP17-21-002617

MHC MCNICOL PLACE LLC VS ROBERT KRAVIS

ORDER ON TRIAL DE NOVO

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

Plaintiff Below/Apellee, MHC McNicol Place, LLC, (hereinafter “McNicol Place”) filed a Summary Possession claim in the Justice of the Peace Court in June 2021 seeking possession of the rented lot at 34122 Pinewood Circle, Lewes for rules violations. Possession of the property was awarded to McNicol Place on December 23, 2021.

Defendant Below/Appellant, Robert Kravis (hereinafter “Kravis”), filed a timely appeal of the judgment pursuant to 25 Del. C. § 5717. The Three Judge Panel consisted of Deputy Chief Magistrate Deborah Keenan, Judge Richard Comly and Judge Scott Willey. This is the decision of the Three Judge Panel hearing the appeal as a Trial de Novo.

ORDER ON MOTIONS

Prior to trial the Court heard arguments on two motions. Kravis motioned the Court to Reconsider the Court’s Order Denying Discovery made February 15, 2022. McNicol Place motioned the Court to Quash the Subpoena served February 17, 2022.

After hearing arguments, and considering written submissions, the Court determined that the same information was requested in Discovery as in the Subpoena. That information related to the denial of application for residency made by Kravis’ grandson and grandson’s girlfriend in late December 2021/early January 2022. The Court determined that, because the applications were not submitted during the time this action was initiated, nor during the timeframe allowed to cure, the information requested is not relevant.

Therefore, Kravis’ Motion to Reconsider the Court’s Order Denying Discovery was denied. McNicol Place’s Motion to Quash the Subpoena was granted.

ARGUMENTS

Testimony during trial revealed that Kravis’ grandson and grandson’s girlfriend were living in the property with Kravis, prior to his two-year hospitalization and rehabilitation which began in 2020. In October 2020, a fallen tree caused damage to the manufactured home and, while inspecting the damage, the community manager became aware of the grandson and girlfriend living there. He informed Kravis that the grandson and girlfriend needed to apply to stay as residents of the community. On May 12, 2021, a 12-day letter was sent to Kravis notifying him that he was in violation of his lease for having “failed to remedy the damage to the manufactured home sustained from a falling tree in

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October 2020,” and for having “unauthorized persons living in the home on the Lot.” On June 16, 2021, a Notice of Immediate Termination was sent to Kravis, as the violations had not been cured.

Kravis argued the damage to the property was from a tree that McNicol Place should have had cut down. The grandson and girlfriend were acting as caregivers for him because he had recently been released from the hospital. He was unaware of the lease violations until he returned home, January 3 or 4, 2022. The grandson and girlfriend applied to be residents in late December 2021 or early January 2022.

DISCUSSION

While there was substantial testimony regarding the tree which caused damage to Kravis’ manufactured home, the Court finds the argument regarding who was responsible for the falling tree irrelevant to the rules violation regarding upkeep of the property.

There is also the matter of the unapproved occupants. Unfortunately, the grandson and girlfriend did not make application for tenancy in a timely manner, nor did they take sufficient care of the lot while Kravis was hospitalized.

Kravis looks to the Court for an equitable resolution pursuant to 25 Del. C. § 5709. The court must consider equity for all parties. Had grandson and girlfriend applied in a timely manner, even prior to the judgment below, the outcome may have been different. Unfortunately, they did not. To allow the tenant to remain, with no change in conditions, would set a precedent that would handicap every landlord faced with the eviction of aged or infirm tenants, whose caregivers do not abide by the community rules.

ORDER

Accordingly, the Court finds in favor of Plaintiff Below/Apellee, MHC McNicol Place, LLC, and against Defendant Below/Apellant, Robert Kravis. Possession of the rental property is awarded to McNicol Place, LLC, in addition to court costs of \$153.75.

IT IS SO ORDERED 21st day of March, 2022

/s/ Deborah Keenan
Deputy Chief Magistrate
For the 3 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).