

**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

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C.A. No. JP17-22-002365

TRIAL DE NOVO

Submitted: August 8, 2022

Decided: August 9, 2022

APPEARANCES:

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

William Wood, Justice of the Peace
Deborah Keenan, Deputy Chief Magistrate
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: JP17-22-002365

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. The parties appeared for a trial de novo before the three judge panel of Judges Wood, Keenan and Martin.

Having heard the testimony and considered the evidence submitted at trial, this court finds that Plaintiff proved by a preponderance of the evidence that Defendant has failed to pay rent in the amount of \$410.00 a month for April through July as well as August. Defendant has also failed to pay late fees of \$25.00 for each of those months. Defendant acknowledges that demand was made as required by statute but claims he never received the mail. He asserts that he has the money to pay the rent owed, but has not paid because the landlord's agent would not come to collect the rent like he has over the last nine years. However, Defendant also acknowledges that he received messages from Plaintiff that he had to start paying by mail or in person at the office. In addition, the parties had a case decided by a three judge panel in 2021 that granted Defendant a good faith dispute based on these same circumstances. That panel advised Defendant that henceforth he should make payments by accountable mail or in person to receive a signed receipt.

Accordingly, judgment is awarded Dove Road, LLC against Thomas Clemmons for \$1,849.36, accruing rent of \$13.67 per day until the unit is vacated, \$50.00 court costs and possession of the rental property. Post judgment interest shall accrue at the legal rate of 7.5% per annum.

IT IS SO ORDERED 09th day of August, 2022

/s/ William P. Wood (SEAL)
Justice of the Peace
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).

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