

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
COURT NO. 13**

JAMES STREET ENTERPRISES LLC	§	
Plaintiff Below,	§	
Appellee	§	
	§	
VS	§	C.A. No. JP13-24-006536
	§	
	§	
BROOKE E WINKELMAN	§	
Defendant Below,	§	
Appellant	§	

TRIAL DE NOVO

Submitted: August 27, 2024

Decided: August 29, 2024

APPEARANCES:

James Street Enterprises LLC, Plaintiff, appeared represented by Form 50 agent Nazir Nisar
Brooke E Winkelman, Defendant, appeared Pro se

Sean McCormick, Deputy Chief Magistrate, Justice of the Peace
Peter Burcat, Justice of the Peace
Susan E Goldsman, Justice of the Peace

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CIVIL ACTION NO: JP13-24-006536

JAMES STREET ENTERPRISES VS BROOKE E WINKELMAN

ORDER ON TRIAL DE NOVO

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

On August 27, 2024 a three-judge panel consisting of Deputy Chief Magistrate Sean McCormick and Judges Peter Burcat and Susan Goldsman went forth in the above-listed matter. At issue was a rental debt and possession of the unit in question. On July 31, 2024 a single Judge had previously awarded the Plaintiff/Landlord James Street Enterprises a judgment in the amount of \$3,676, rent ongoing, and possession as a result of the rental debt. From that matter the Defendant/Tenant Brooke Winkelman appealed. When asked what she sought from the appeal Ms. Winkelman admitted that the rental debt existed but felt she was entitled to unspecified abatement because of conditions located in the premises. It should be noted that no abatement was sought before the court below; it should also be noted that no exhibits had been filed by Ms. Winkelman to substantiate her claim. When asked how she had notified her landlord of the conditions in question, she responded that she told the maintenance man, but he had since retired. When the same question was posed to Mr. Nazir Nisar, the Form 50 Agent for James Street Enterprises, he advised that only possession was sought. While there was a rental debt he was not interested in seeking a judgment for it – he thought it uncollectable.

Since the Plaintiff/Landlord established the existence of a rental debt that the Tenant/Defendant admitted to, and since the counter-claim such as it was unsubstantiated, and since the a judgement was not sought for the rental debt, the Panel awarded possession to Plaintiff/Landlord based upon the existence of the rental debt. The Plaintiff/Landlord may immediately seek a writ of possession in this matter.

IT IS SO ORDERED 29th day of August, 2024

/s/ SEAN MCCORMICK _____ (SEAL)
DEPUTY CHIEF MAGISTRATE
ON BEHALF OF 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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