

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

FIRST CLASS REAL ESTATE SERVICES OF DE, LLC  
Plaintiff Below,  
Appellee

VS

JONATHAN R GRAHAM  
DNAJA R STACKS  
Defendant Below,  
Appellant

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C.A. No. JP13-24-007501

TRIAL DE NOVO

Submitted: November 22, 2024  
Decided: January 14, 2025

**APPEARANCES:**

First Class Real Estate Services of DE, LLC, Plaintiff, represented by Form 50 agent, Massiel Derefaka  
Jonathan R Graham, Defendant, appeared Pro se  
Dnaja R Stacks, Defendant, appeared Pro se

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

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6CF14A3J (3/1/19)

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
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COURT NO. 13**

**CIVIL ACTION NO: JP13-24-007501**

**FIRST CLASS PROPERTIES VS JONATHAN GRAHAM ET AL**

**ORDER ON TRIAL DE NOVO**

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

On October 21, 2024 a three-judge panel consisting of Deputy Chief Magistrate Sean McCormick and Judges Peter Burcat and Susan Goldsman went forth in consideration of the above-captioned matter. A judgment on the matter favoring the landlord awarding both a monetary award consisting of unpaid water bills and the right to possession of the unit in question was issued by the Court below on October 1, 2024; from that the Defendant/Tenants appealed. At the time of the hearing, the Appellants both appeared pro se. The Plaintiff below/Appellee was represented by Form 50 Agent Massiel Derefaka.

Pre-trial, the panel questioned the standing of First Class Properties as a litigant in the matter. The entity listed as Plaintiff on the complaint and precipe was First Class Properties. The same entity was listed on the 5-day demand letter issued pursuant to 25 Del. Code § 5502. However, the entity listed on the Form 50 Certificate of Representation (filed with the Chief Magistrate's Office on December 20, 2023) listed Ms. Derefaka as Agent for First Class Real Estate Services, LLC. From there, things got murkier. Along with her trial exhibits, Ms. Derefaka pre-filed and assignment and assumption agreement. An entity known as First Class Property Management of DE LLC assigned to the entity First Class Real Estate Services LLC "all contracts, data, and debts associated with First Class Property Management of DE LLC." When asked what the relationship was between the listed Plaintiff (First Class Properties) and the entity of which Ms. Derefaka was an agent (First Class Real Estate Services, LLC) Ms. Derefaka advised that First Class Properties was a d/b/a or trade name of First Class Real Estate Services, LLC. But that assertion ran counter to the information contained within the lease which had been pre-filed. The lease, entered into on or about February 1, 2024, was headed with the corporate name "FIRST CLASS Property Management of DE, LLC d/b/a First Class Properties" but in the paragraph immediately below that it listed the parties as Dnaja Stacks, Johnathan Graham, and First Class Real Estate Services d/b/a First Class Properties. How can First Class Properties be the trade name of two separate entities? When pressed on this question, Ms. Derefaka advised that she had no documentation – either showing the trade name was registered either with the Delaware Secretary of State or the Prothonotary's Office – at hand. In order to allow her to provide the documentation she lacked, the panel continued the matter to give her the opportunity to file further documentation to support her assertion. (To be clear, the Defense had not timely pre-filed their exhibits. As such, the panel concluded that the continuance would benefit both parties.) The writ of possession, which had been sought by the Plaintiff below, was stayed pending the continuance.

A panel – this time consisting of Deputy Chief Sean McCormick and Judges Peter Burcat and Christopher Portante – reconvened on November 22, 2024. The Defendants again failed to pre-file any exhibits to support their position. Ms. Derefaka pre-filed several additional documents including a letter from Audrey Ellen Wagamon. The letter advised that First Class Property Management of DE, LLC was terminated as a corporate entity on December 31, 2023. It further advised that the real estate office

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and property management divisions were now operating under First Class Real Estate Services, LLC d/b/a First Class Properties. Attached to the letter was a certificate of cancellation of the limited liability company First Class Property Management of DE, LLC filed with the Secretary of State's Division of Corporations on December 31, 2023.

Instead of clarifying the standing of the Plaintiff in the matter, the presentation of the letter and certificate only muddled the waters. Despite the assertion that the company to which was on the receiving end of the assignment was now doing business as First Class Properties, nothing documented that fact. The company that had been doing business as First Class Properties became defunct as of December 31, 2023 – and yet that entity and its dba are listed in a lease signed a month after its cancellation. The old adage “too many cooks spoil the broth” seems appropriate to this matter given the number of entities involved. While the most recent entity – First Class Real Estate Services, LLC may in fact be doing business as First Class Properties, it is incumbent upon the Plaintiff to establish that as a fact. The name of the entity listed on the Form 50 is different from the one listed on the complaint. Since the Plaintiff has not been able to establish a legal nexus between them, the panel held that the Plaintiff named in the complaint lacked standing to pursue it. Accordingly, the matter is dismissed without prejudice.

IT IS SO ORDERED 14th day of January, 2025

/s/ Sean McCormick

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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