

**IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY
COURT NO. 16**

**COURT ADDRESS:
480 BANK LN
DOVER DE 19904**

CIVIL ACTION NO: JP16-12-002368

DOVER INVESTORS VS SHEILA HAYFORD

**SYSTEM ID: @2488754
SHEILA HAYFORD
51 WEBBS LANE
APT J5
DOVER DE 19904**

ORDER

Justice of the Peace Civil Action JP16-12-002368 is a landlord tenant dispute for possession of the rental unit for unpaid rent and debt for unpaid rent. The hearing is a trial de novo heard by a three judge panel composed of Judge Cox, Judge Dillard, and Judge Wall. The Plaintiff is represented by Daniel Losco, Esquire. The Defendant is unrepresented.

The Plaintiff issued the Defendant a sufficient 5 day notice pursuant to 25 Del. C. §5502. That notice was lawfully served. The delinquent rent was subsequently paid, after the 5 days had lapsed. The 5 day notice contained a reservation of rights. The reservation of rights issued at the time of payment was misplaced. The Defendant disputes receipt of the 2nd reservation of rights.

Evidence was presented that rent for \$725.00 for May 2012, \$507.36 for June's rent and two late fees of \$36.25 were unpaid, a total of \$1304.86. This debt was unrefuted.

The Defendant disputes the lease offered into evidence due to a typographical error as to the amount of rent. The typographical error does not impact the dispute. The payment-receipt practice was payment of \$725.00/mo. The Court unanimously ruled this typographical error is not a defense for non payment of rent.

The Defendant admits her failure to pay rent for both May and June 2012. Her excuse for non payment was the pendency of this action.

The Plaintiff has prevailed by a preponderance of the evidence.

Possession is awarded to the Plaintiff.

Judgment is entered against the Defendant in the amount of \$1304.86, court costs of \$40.00, and post judgment interest at 5.75%.

IT IS SO ORDERED this 21st day of June, 2012



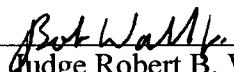
Judge D. Ken Cox (SEAL)

IT IS SO ORDERED this 21st day of June, 2012



Judge Dwight O. Billard (SEAL)

IT IS SO ORDERED this 21st day of June, 2012



Judge Robert B. Wall Jr. (SEAL)