IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

ROBERTA CRAWFORD	)	
	)	
Defendant/Appellant,	)	
	)	
v.	)	Case No. CPU4-26-003369
	)	
LVNV FUNDING LLC,	)	
	)	
Plaintiff/Appellee.	)	

OPINION AFTER APPEAL FROM THE DENIAL OF APPELLANT'S MOTION TO VACATE DEFAULT JUDGMENT

This debt civil action is before the Court on appeal from a decision of the Justice of the Peace Court ("JP Court") denying Defendant/Appellant Roberta Crawford's[1] Motion to Vacate Default Judgment. Also before the Court are Ms. Crawford's Motion to Stay Execution Pending Appeal, and Petition to proceed *in forma pauperis*.

For the reasons set forth below, Ms. Crawford's Motion to Vacate Default Judgment is **DENIED** and her Motion to Stay Execution Pending Appeal and Petition to proceed *in forma pauperis* are **DENIED** as **MOOT.**

[1] At the hearing on October 16, 2026, Ms. Crawford indicated that she is now go by "Harden." However, given the case caption, the Court will refer to her herein as Ms. Crawford for clarity of the record.

FACTUAL AND PROCEDURAL HISTORY

On March 13, 2024, Plaintiff/Appellee LVNV Funding LLC ("LVNV") brought this action against Ms. Crawford in JP Court to recover a credit card debt in the amount of $2,515.52. The docket reflects that service was sent by mail on two occasions. First, service was issued by certified mail on March 21, 2024, but it was returned as "unclaimed."[2] Ms. Crawford did not file an answer or other responsive pleading, and on October 14, 2025, the JP Court entered a default judgment in favor of LVNV.[3]

On December 9, 2025, Ms. Crawford filed a motion to vacate the judgment, but her filing was returned as incomplete due to failure to pay the requisite filing fees. The following year, on September 15, 2026, Ms. Crawford again filed a motion to vacate default judgment. On September 18, 2026, JP Court entered an order denying Ms. Crawford's motion.

On September 24, 2026, Ms. Crawford filed this appeal from the JP court's order denying her motion to vacate pursuant to 10 *Del. C.* § 9571. On October 16, 2026, this Court held a hearing, at the conclusion of the hearing, the Court reserved decision. This is the Court's Final Decision and Order.

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[2] The docket entry for March 21, 2024, issuance of service specifies that service was made by certified mail, and the unclaimed service form docketed April 15, 2026, reflects that the service had been sent by certified mail.

[3] The docket reflects that LVNV requested the entry of default judgment on July 2, 2024; however, no action was taken by the JP Court, and LVNV refiled its request for default judgment on March 11, 2025.

LEGAL STANDARD

In line with recent decisions and the unambiguous language set forth in 10 *Del. C.* § 9571(c), the Delaware Court of Common Pleas will review a denial of an application to vacate default judgment from the Justice of Peace Court's decision *de novo* as it "possesses all the attributes of finality and thus is subject to appeal."[4] Where the final order from which an appeal is taken is a ruling on a motion to vacate, "this Court will look at the [m]otion to [v]acate de novo and is not required to give deference to the JP Court's findings or ruling."[5] Therefore, this Court will consider Ms. Crawford's Motion to Vacate anew with no consideration of the analysis or conclusion drawn by the JP Court.[6]

DISCUSSION

Under Rule 60(b), a motion to vacate default judgment is addressed at the sound discretion of the Court and in accordance with our guiding principle which favors the "strong judicial policy of deciding cases on the merits."[7] As such, all doubts are to be resolved in favor of the movant.[8]

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[4] *Wilson v. Delmarva Power and Light Company,* 2020 WL 7024489, at *2–3 (Del. Com. Pl. Nov. 30, 2020) (holding that all appeals from the Justice of the Peace Court are reviewed *de novo.*); *see Jamoom v. Fortinper*, 2021 WL 409154, at *2 (Del. Com. Pl. Feb. 5, 2021) ("Although sub-section (c) only uses the term 'trial,' subsection (a) is illustrative and makes clear that the entire section applies to 'any final order, ruling, decision or judgment [on appeal].'").

[5] *Brandywine Realty Management, Inc., v. Panucci*, Del. Com. Pl., C.A. No. CPU4-21-004138, Surles, J. (Jan. 30, 2024) (Mem. Op.) (quoting *Jamoom*, 2021 WL 409154, at *2).

[6] *Id.*; *see Wilson,* 2020 WL 7024489, at *3.

[7] *Verizon Delaware, Inc. v. Baldwin Line Const. Co., Inc.*, 2004 WL 838610, at *1 (Del. Super. Apr. 13, 2004).

[8] *Id.*

Ms. Crawford argues that the judgment should be vacated because she did not receive proper service. Rule 60(b)(4) provides that a party may be relieved from a judgment that is rendered void for lack of proper service, and thus should be set aside.[9] It is well established that "a judgment is void where it was rendered without jurisdiction,"[10] and "jurisdiction may not be obtained unless process is served in compliance with applicable law."[11]

Service by certified mail was codified in 10 *Del. C.* § 9524(a) and also in JP Court Rule 4(f)(V)(A) where it explicitly provides that service is complete even where it is returned as "unclaimed."[12] Rule 4(f)(V)(A) states that "in civil action for debt, [when] service is made by certified mail is return receipt requested. . . . service is complete when it is signed for by the defendant or by some person of suitable age . . . or with the word 'unclaimed' or 'refused' noted thereon by postal authorities."[13] In addition, when service by certified mail returned as unclaimed, 10 *Del. C.* § 9524(b) requires the JP Court to take additional step before a default judgment may be entered. Section 9524(b)(4) states: "[i]f the certified mail return receipt is returned marked "unclaimed", or "refused", or with some other indication of failed service, the court shall send a copy of the complaint and summons to the defendant

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[9] *Id; see Harry and David v. J & P Acquisition, Inc.* 865. F. Supp. 2d 494, 500 (D. Del. 2011).
[10] *York Federal Sav. And Loan Ass'n v, Heflin*, 1996 WL 30241 (Del. Super. Jan. 5, 1996).
[11] *Ins. Corp. of Ireland, Ltd. V. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 716 (1982).
[12] 10 *Del. C.* § 9524(a); Del. J.P. Ct. R. 4(f)(V)(A).
[13] Del. J.P. Ct. R. 4(f)(V)(A).

by first class mail to the address provided by the plaintiff."[14]

Here, service upon Ms. Crawford and the subsequent entry of default judgment was proper pursuant to JP Court Rule 4(f)(V)(A) and 10 *Del. C.* § 9524. The JP Court docket reflects that service in this debt action was made by certified mail on March 21, 2024, and, when that mailing was returned as "unclaimed," the JP Court dispatched service by mail before default judgment was entered.[15]

Accordingly, the Court finds that Ms. Crawford failed to demonstrate that the judgment entered against her was void for want service.

CONCLUSION

For the foregoing reasons, Ms. Crawford's Motion to Vacate Default Judgment is **DENIED** and her Motion to Stay Execution Pending Appeal and Petition to proceed *in forma pauperis* are **DENIED** as **MOOT.**

IT IS SO ORDERED this 16th day of November 2026.

Carl C. Danberg,
Chief Judge

[14] 10 *Del. C.* § 9524(b)(4).
[15] The docket reflects that after the unclaimed service form docketed April 15, 2026, reflects that the service had been sent by certified mail, the JP Court issued service via cert of mailing on April 18, 2024.