

IN THE COURT OF THE JUSTICES OF THE PEACE OF  
THE STATE OF DELAWARE IN AND FOR KENT COUNTY

COURT NO. 16

Capitol Green Apartments  
479 River Road  
Dover, DE 19901  
PLAINTIFF

vs.

Michelle Jones  
414 E. Water Street  
Dover, DE 19901  
DEFENDANT

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CIVIL CASE NO. JP 16-88-C2918

Appearing for Plaintiff: Donna Lee H. Williams, Esq.

Appearing for Defendant: James McGiffin, Esq.

Trial held: December 9, 1988 Decided: December 26, 1988

Three Judge Appellate Court: The Honorable Ellis B. Parrott, The  
Honorable Margaret L. Barrett, The Honorable Joseph A. Knussman

Order of Judgment

This Court, after hearing all evidence and testimony submitted during trial on December 9, 1988, finds for the defendant, Michelle Jones, and against the Plaintiff, Capitol Green Apartments. Possession of the premises is given to the defendant and court costs of \$24.00 are assessed to the Plaintiff.

The Court, further, dismisses the counterclaim of \$121.00 submitted at trial by the defendant. The motion is not timely and should have been filed at the original hearing.

The Plaintiff Contends

The defendant terminated employment in order to gain a reduction in rent on an apartment located at 414 E. Water Street, Dover, DE. This act was a violation of section 4350.3 paragraph 5-11 d (1) of HUD regulations. Therefore, the defendant, as notified on August 29, 1988, (see attached P-3), was required to pay \$209.00 beginning November 1, 1988. Further, the defendant failed to pay rent for the months of October and November, after receiving a proper five day letter on October 10, 1988.

The Plaintiff asks for accrued rent in the amount of \$121.00 for October and \$209.00 for November including prorata rate for days in December.

The Defendant Contends

The termination of her employment at Persimmon Tree Apartments was a result of her direct supervisors harassment. The defendant believes the supervisor's attitude is related to the fact the defendant is dating his brother. She further states the requirements of her position changed substantially after her employment necessitating her unilateral termination.

Defendant further contends she is not responsible for rent due in October, November, and all accrued rent to date. Since there was no violation of 5-11

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d (1) of HUD rules, i.e., the defendant did not quit her position at Persimmon Tree Apartments, "in order to qualify for a lower rent," she would not be responsible for rent due after leaving her employment.

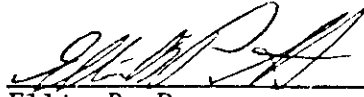
Defendant, also, states she has been actively seeking employment and until it is found should not be responsible for rent due on the apartment.

Rationale

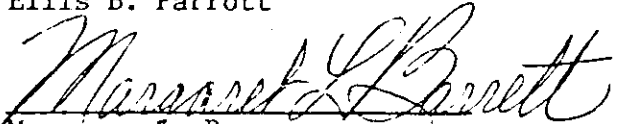
The defendant was justified in terminating her employment at Persimmon Tree Apartments. Her direct supervisor acted unreasonably and apparently let personal biases affect his treatment of the defendant.

Since the defendant's termination was justified, her apartment rental could not be increased. In fact, she would not be responsible for the payment of rent for the months she is unemployed.

IT IS SO ORDERED THIS 26 DAY OF December, A.D. 1988.



Ellis B. Parrott



Margaret L. Barrett



Joseph A. Knussman

cc: Donna Lee H. Williams, Esq.  
James McGiffin, Esq.  
file

dr