

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

**BAY POINTE MAINTENANCE
CORPORATION,**

Plaintiff,

v.

JEAN ST. JOHN MUHAMMAD,

Defendant.

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C.A. No. CPU4-10-006121

**FINAL ORDER
AFTER TRIAL AND UPON CONSIDERATION
OF POST-TRIAL MOTIONS**

1. Civil Trial in this matter was scheduled for January 24, 2012, at 8:30 a.m. Defendant Jean St. John Muhammad (“Defendant Muhammad”) received notification of this trial date and time when she attended the Pretrial Conference on August 15, 2011. In addition, on August 15, 2011, the Court of Common Pleas sent Defendant Muhammad written notification of the date and time of the trial at her address of record.

2. On January 24, 2012, Plaintiff, Bay Pointe Maintenance Corporation and its counsel appeared, ready for trial. However, Defendant Muhammad did not appear for trial.

3. After waiting more than two hours for Defendant Muhammad to appear, Bay Pointe Maintenance Corporation moved the Court for an entry of Default Judgment against Defendant Muhammad. The Court granted the motion for default judgment.

4. After an offer of proof by Plaintiff Bay Pointe Maintenance Corporation, the Court entered judgment in the amount of \$2,124.63 which includes pre-judgment interest

at the rate of 8% per annum to run from the date of delinquency, March 19, 2008, pursuant to the terms of the Bay Pointe Maintenance Declaration (“Declaration”) against Defendant Muhammad. The Court further awarded post-judgment interest at 8% per annum which is authorized by the terms of the Declaration.

5. The Court granted leave to Plaintiff Bay Pointe Maintenance Corporation to submit an application for an award of its reasonable attorney fees and costs incurred in this proceeding. Plaintiff filed Plaintiff Bay Pointe Maintenance Corporation’s Application and Affidavit for Attorney Fees and Costs.

6. In response to Plaintiff Bay Pointe Maintenance Corporation’s Application and Affidavit for Attorney Fees and Costs, Defendant Muhammad filed a Motion to Vacate Default Judgment and Oppose Plaintiff’s Petition for Attorney’s Fees and Costs.

7. The Court conducted a hearing on April 13, 2012. Both parties had the opportunity to make presentations to the Court.

Upon consideration of the foregoing, and upon consideration of Plaintiff Bay Pointe Maintenance Corporation’s Application And Affidavit For Attorney Fees And Costs And Defendant’s Opposition Thereto, the Court hereby orders that judgment be entered in favor of Plaintiff Bay Pointe Maintenance Corporation And Against Defendant Jean St. John Muhammad, as follows:

1. For delinquent assessments for years 2009, 2010, 2011 and 2012 in the amount of \$ 1,878.58, itemized as follows:

a. 2009 Assessment: \$ 486.00;

- b. 2010 Assessment: \$ 486.58;
- c. 2011 Assessment: \$ 486.00;
- d. 2012 Assessment: \$ 420.00;

2. For a total award of pre-judgment interest at 8% per annum from the date of delinquency for the 2009, 2010 and 2011 assessments in the amount of \$ 246.05;

3. Pursuant to Paragraph 1(d) of the Bay Pointe Maintenance Declaration, post-judgment interest at 8% per annum from April 25, 2012;

4. Pursuant to Paragraph 1(d) of the Bay Pointe Maintenance Declaration and 25 Del. C. §316(a), Bay Pointe's reasonable attorney fees in the amount of \$ 5,087.50 and costs in the amount of \$61.50;

IT IS FURTHER ORDERED THAT Defendant's Motion to Vacate Default Judgment and Oppose Plaintiff's Petition for Attorney Fees and Costs is DENIED.

NOW, THEREFORE, the JUDGMENT AWARD in favor of Plaintiff Bay Pointe Maintenance Corporation and against Defendant Jean St. John Muhammad is \$1, 878.58; plus pre-judgment interest in the amount of \$ 246.05; plus post-judgment interest at 8% per annum from April 25, 2012; plus attorneys' fees awarded against Defendant Jean St. John Muhammad in the amount of \$ 5,087.50 payable to Plaintiff Bay Pointe Maintenance Corporation; and costs of \$ 61.50 payable to Plaintiff Bay Pointe Maintenance Corporation by Defendant Jean St. John Muhammad.

IT IS SO ORDERED this 24th day of April, 2012.

Andrea L. Rocanelli

Hon. Andrea L. Rocanelli