

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------------|---|--------------------------|
| HERITAGE HOMES OF | § | |
| DE LA WARR, INC., | § | No. 462, 2005 |
| | § | |
| Petitioner Below, | § | |
| Appellant, | § | |
| | § | |
| v. | § | Court Below: |
| | § | Court of Chancery |
| BARBARA H. ALEXANDER and | § | of the State of Delaware |
| M. KEVIN SARTELL, | § | in and for Kent County |
| | § | |
| Respondents | § | C.A. No. 1399-K |
| Below, Appellees. | § | |

Submitted: April 12, 2006

Decided: April 17, 2006

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

ORDER

This 17th day of April, 2006, the Court, having considered this matter on the arguments and briefs of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its order dated September 1, 2005;

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Court of Chancery be, and the same hereby is

AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger

Justice