

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE, <i>ex rel.</i>	§	
M. JANE BRADY, ATTORNEY	§	
GENERAL, STATE OF DELAWARE,	§	
	§	No. 537, 2003
Respondents/Counterclaim	§	
Plaintiffs Below,	§	
Appellants/Cross-Appellee.	§	Court Below: Superior Court
	§	of the State of Delaware in
v.	§	and for Sussex County
	§	
MANUFACTURED HOME	§	C.A. No. 02C-08-029
COMMUNITIES, INC., MHC	§	
FINANCING LIMITED PARTNERSHIP	§	
TWO, and MHC OPERATING LIMITED	§	
PARTNERSHIP,	§	
	§	
Petitioners/Counterclaim	§	
Defendants Below,	§	
Appellees/Cross-Appellants.	§	

Submitted: May 11, 2004

Decided: June 8, 2004

Before **HOLLAND, BERGER, JACOBS**, Justices, and **LAMB**, Vice Chancellor,¹ and **HARTNETT**, Justice (Retired).²

ORDER

This 8th day of June 2004, upon consideration of the briefs of the parties, it appears to the Court that:

¹Sitting by designation pursuant to DEL. CONST art. IV, § 12 and DEL. SUPR. CT. R. 2 and 4.

²Sitting by designation pursuant to DEL. CONST. art. IV, § 38 and DEL. CODE ANN. tit.29, § 5610(q)(2) (2001) and DEL. SUPR. CT. R. 2, 4.

1. By Orders entered on March 17 and March 29, 2004, a three-judge panel of this Court affirmed the decision of the Superior Court granting summary judgment in favor of the defendants below-appellees on the “rent cap” issue and in favor of the plaintiffs below-appellants on the “right of entry” issue.

2. The appellants thereafter moved for rehearing *en banc*. By Order dated April 21, 2004, this Court granted that motion and determined to reconsider the matter on the briefs.

3. On May 11, 2004, the matter was submitted for decision and reconsidered by the Court *en banc*. Having carefully considered the briefs, the Motion for Rehearing, the Response and all other submissions relating thereto, a majority of this Court has concluded that the appellants have not presented any new basis or otherwise compelling rationale to reverse its March 17 and March 29, 2004 Orders affirming the judgment below.

NOW, THEREFORE, IT IS ORDERED that for the reasons set forth in this Court’s Orders entered on March 17 and March 29, 2004, the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

Justice

HARTNETT, Justice (Retired), Dissenting:

I respectfully dissent. While it is a close call, in my opinion, the language in the Manufactured Homes and Manufactured Home Communities Act (25 *Del. C.* ch. 70) (“The Act”) that relates to automatic lease renewals is ambiguous when the provisions in The Act are read together in their entirety. *See* especially 25 *Del. C.* §§ 7001, 7007(b) and 7022. This issue was neither raised nor addressed below and therefore I believe that, in the interest of justice, this matter should be remanded to the Superior Court for further consideration.