

VERMONT SUPERIOR COURT
Orleans Unit
247 Main Street
Newport VT 05855
802-334-3305
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 23-CV-05022

35 Bayview Newport VT, Inc. v. Sahara Webb

ENTRY REGARDING MOTION

Title: Motion to Set Aside Judgment Emergency - and Stay Execution of Writ of Possession (Motion: 4)
Filer: Sahara Webb
Filed Date: March 04, 2024

The motion is GRANTED.

Defendant Webb has demonstrated through her filings and representations to the Court that there is good cause to set aside both the default judgment order and the writ of possession in this matter. Defendant has demonstrated that there is good cause on the basis that Defendant's delay in filing was tied to the recent worsening of her medical condition. Defendant has also correctly noted that the judgment was prematurely issued and that the Court's failed to grant Defendant her requisite hearing under V.R.C.P. 55(c)(4).

Further, Defendant has demonstrated that there are substantive and technical issues relating to the underlying termination that merit hearing and consideration. Specifically, Defendant has raised factual allegations of retaliation and habitability as well as defects in notice arising from Landlord's obligation to notify Defendant under the federal Violence Against Women Act.

ORDER

Based on these issues, the Court **Grants** Defendant's Motion. The Default Judgment and Writ of Possession in this matter are withdrawn and set aside. A copy of this Order shall be delivered to the Orleans County Sheriff's Office by the Court Clerk to notify that office that the writ of possession is of no further effect.

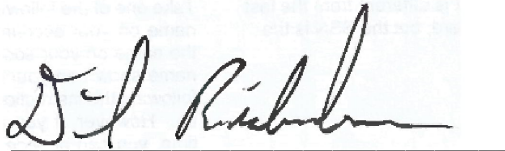
Given the contested nature of this matter, the Court shall schedule a 90-minute bench trial for the parties to present testimony, evidence, and argument in support of their claims. This hearing

shall be set for the Court's next available date.

Parties may file supplemental briefs on any pending technical claims, such as the standards of notice under the Violence Against Women Act.

The Court also re-instates the January 11, 2024 Rent Escrow Order in this matter with the following modifications and clarifications: (1) the March 15, 2024 payment of \$1,278.70 remains due on the 15th; (2) the April 1, 2024 payment of \$1,000 remains due on April 1st; (3) the February 23, 2024 payment is now due on April 10, 2024; and (4) all monthly payments of \$1,000 to be paid thereafter remain due on the first of the month.

Electronically signed on 3/13/2024 10:18 AM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is written over a light blue rectangular background. A horizontal line is drawn below the signature.

Daniel Richardson
Superior Court Judge