

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

2nd Circuit - District Division - Plymouth
26 Green St.
Plymouth NH 03264

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

Case Name: **Norman Rosenberg v. Mountain River East Condominium Association**
Case Number: **469-2019-SC-00028**

ORDER

This Small Claim case came before the Court on 9/11/19 for a Hearing on the Merits. The Plaintiff had earlier filed Exhibits A through P. The Defendant had earlier filed Exhibits 1 through 61.

On 3/5/19, the Plaintiff filed his Small Claim, in which, he seeks \$440 from the Defendant, plus 490 in Fees. He states, "I replaced the windows of my condo unit as required by the Condo Association. After the installation was completed, I was notified that the trim should be PVC, not wood and that the wrong nails were used. The Association offered no additional information re installation only that the installation should meet published specifications as stated in the condo documents. These condo documents do not indicate material to be used for the trim or what type or number of fasteners be used. I was subsequently charged \$440 to replace the wood trim with PVC."

On 4/15/19, the Defendant Condominium Association filed a Response to Small Claim, stating it owed the Plaintiff nothing, further stating, "There is no money owed by either Party. The amount in question was a legal and reasonable assessment by the Condominium Association as provided for in the Condominium Declaration and By Laws. The amount was paid in full by the Plaintiff."

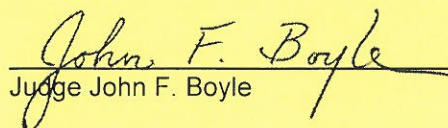
On 9/11/19, the day of the Hearing on the Merits, the Defendant appeared, represented by Mr. Timothy Duggan, but the Plaintiff failed to do so. The case was scheduled for 1:00 p.m. The Court waited until 1:32 p.m. for the Plaintiff to appear, but he never did. The Court confirmed that he had received and opened his e-file notification for the Hearing.

Case DISMISSED.

Recommended:

Ordered by the Court:

September 11, 2019
Date


Judge John F. Boyle

Clerk's Notice
Document sent to parties
on 09/12/2019

Any motion for reconsideration must be filed within 10 days of the date of this notice. Any appeal to Supreme Court must be filed within 30 days of the date of this notice.