

Summary Ejectment/Criminal Activity Case Study

One night Bill (19), having had too much to drink, staggered out into the courtyard between mobile home where he lives and the adjacent mobile home. A number of residents of the mobile home park were gathered there, chatting, which apparently annoyed Mr. Galway. He began cursing and yelling “Get out of my space, you jackasses, or I’ll beat you!” The park manager heard the commotion, came to the courtyard, and eventually convinced Bill to go home. The manager did not call the police. The next day the landlord filed a summary ejectment action against Mr. Galway – Bill’s dad, who is the tenant – for criminal activity. At the trial, the landlord and one of the neighbors who was in the courtyard testify as to the occurrence.

Mr. Galway testifies that he felt ashamed and embarrassed the next day when he heard what Bill had done, and that he has personally apologized to all the neighbors. However, he doesn’t think he can or should be evicted. His first claim is that this conduct, while reprehensible, was not sufficiently serious to justify eviction. He points out no one even called the police! Second, he says his other son, who lives with him, is autistic and needs special care; Mr. Galway says that if he and his sons are evicted, they will have no place to live– this is the least expensive mobile home park in town and he can’t afford to live anywhere else. He pleads with you to let him stay.

Does this conduct meet the requirements for “criminal activity” under GS Ch. 42, Art. 7?

Does it matter that no one called the police, and that Bill has never been arrested for a crime?

Assuming you accept all of the above evidence as credible, what alternatives (if any) exist in terms of your decision?
