

VERMONT SUPERIOR COURT
Washington Unit
65 State Street
Montpelier VT 05602
802-828-2091
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 26-CV-04441

Sophia Bettman-Kerson v. Darcy Woodall

ENTRY REGARDING MOTION

Title: Motion Motion For: Motion for Emergency Eviction (Motion: 1)
Filer: Sophia Bettman-Kerson
Filed Date: August 18, 2026

The motion is DENIED.

Plaintiff Bettman-Kerson seeks an “emergency eviction” order from the Court for her newly filed eviction complaint against Defendant Woodall. From the record before the Court, it does not appear that Ms. Woodall has been served, and the relief sought is ex parte.

Plaintiff’s motion is **Denied**. The application and complaint are facially deficient on a number of levels.

First, Plaintiff has not included any of the required documents necessary to show that Defendant had a tenancy with Plaintiff and that Defendant’s tenancy has been terminated prior to filing the present complaint. 12 V.S.A. § 4852 (“A copy of the rental agreement, if any, and any notice to terminate the defendant’s tenancy shall be attached to the complaint.”).

Second, Plaintiff has not properly completed the CARES Act form under subsection 2 in failing to provide copies of either her mortgage or copies of searches of the mortgage in the look up databases for fanniemae and freddiemac. V.R.C.P. 9.2.

Third, there is no stated basis for the eviction. Although Plaintiff alleges an act of violence against her and fear of future actions, there is no stated basis for how and why the tenancy is sought to be terminated and what notice has or has not been given. 9 V.S.A. § 4467.

Fourth, Plaintiff does not cite to any legal basis for her emergency motion. To the extent that Plaintiff is seeking an ex parte preliminary injunction, Plaintiff has not presented sufficient evidence or argument in support of such an application. See *Taylor v. Town of Cabot*, 2017 VT 92, ¶ 19 (describing the burden that a party bears in establishing the basis for a preliminary injunction).

These issues go deeper than simply non-compliance with procedures but raise a question as to whether this Court has jurisdiction over the case because there is no evidence that the tenancy exists or has been terminated. *Andrus v. Dunbar*, 2005 VT 48, ¶ 15 (mem.) (noting that a tenant is entitled to judgment if a landlord brings an ejectment action prior to the termination of the tenancy through the termination of tenancy process under 9 V.S.A. § 4467); see also *In re*

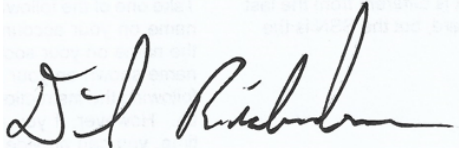
Soon Kwon, 2011 VT 26, ¶ 14 (mem.) (“Courts have noted in landlord and tenant cases that they have been insistent upon the landlord’s punctilious compliance with all statutory eviction procedures, including notice provisions.”) (internal quotations and citations omitted). Put plainly, a landlord may not bring an action for ejectment/eviction until he or she has taken the necessary steps to terminate the tenancy through notice to the tenant with sufficient notice and time as required by the lease and under 9 V.S.A. § 4467. Without such termination, an action for ejectment may not proceed. In fact, a complaint for ejectment/eviction may not be filed until such termination and notice has been completed.

Given these serious and apparent defects in Plaintiff’s complaint, the motion for an “emergency eviction” is **Denied**. Further, Plaintiff has 14 days to amend her complaint to bring it into compliance with all necessary provisions, including but not limited to 12 V.S.A. § 4852 and V.R.C.P. 9.2. If Plaintiff has not already terminated the tenancy under 9 V.S.A. § 4467 or does not supplement her filings, this matter will be dismissed without prejudice for lack of jurisdiction and compliance with the filing provisions.

Finally, nothing in this Order prevents Plaintiff from seeking any emergency relief under either the stalking or relief from abuse statutes, 12 V.S.A. § 5133 or 15 V.S.A. §1103, or from contacting law enforcement with an issue as it arises.

So Ordered.

Electronically signed on 8/19/2026 11:46 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.

Daniel Richardson
Superior Court Judge