

SUPREME COURT OF RHODE ISLAND

SWAP Property Management et al. v. Henrietta Shepard

No. 2024-328-Appeal (PD 24-1806) (R.I. Jan. 22, 2026) · No. No. 2024-328-Appeal (PD 24-1806) · Decided January 22, 2026

SUMMARY

The Rhode Island Supreme Court affirmed a Superior Court judgment awarding SWAP Property Management and Potters Avenue Area Revitalization, LP \$2,686.73 in unpaid rent, court costs, and possession of the rental property. The Court held that the defendant failed to show that the trial justice overlooked or misconceived material evidence or clearly erred in determining the amount owed. The Court also declined to consider the defendant’s contention that she was no longer in arrears as of July 19, 2024, because that assertion postdated the judgment.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long
JURISDICTION	Rhode Island Supreme Court
DECIDED	January 22, 2026
DOCKET	No. 2024-328-Appeal (PD 24-1806)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed an eviction judgment from the Providence County Superior Court to the Rhode Island Supreme Court.
STANDARD OF REVIEW	The Supreme Court applies a deferential standard to factual findings by a Superior Court justice sitting without a jury and will not disturb those findings absent a showing that the justice overlooked or misconceived material evidence or clearly erred. The Court also defers to inferences and conclusions drawn from the testimony and evidence.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court order
PARTIES	Henrietta Shepard v. SWAP Property Management, Potters Avenue Area Revitalization, LP

TOPICS

eviction

landlord tenant

standard of review

preservation of error

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Superior Court clearly erred in determining that defendant owed plaintiffs \$2,686.73 in unpaid rent.
2. Whether defendant could rely on her claim that she was no longer in arrears as of July 19, 2024, when that contention postdated the Superior Court's judgment and was not properly presented below.

HOLDINGS

1. The Superior Court did not clearly err in finding that defendant owed plaintiffs \$2,686.73, because defendant identified no material evidence that the trial justice overlooked or misconceived.
2. Defendant's contention that she was no longer in arrears as of July 19, 2024, did not establish error in the April 2024 judgment because the contention postdated the judgment and was not properly presented to the trial court.
3. An appeal to the Superior Court in a landlord-tenant action proceeds on a de novo basis.

KEY QUOTATIONS

“This Court applies a deferential standard of review to the factual findings of a Superior Court justice sitting without a jury.” (-3-)

“We will not disturb the trial justice’s findings absent a showing that she or he overlooked or misconceived material evidence, or clearly erred in coming to her or his decision.” (-3-)

“Finally, “we give deference to the inferences and conclusions drawn by the trial justice from the testimony and evidence presented.”” (-3-)

FACTUAL BACKGROUND

Plaintiffs sought eviction for nonpayment of rent, alleging that defendant owed rent on a rental property. At the Superior Court's de novo trial, plaintiffs presented evidence that defendant accrued \$6,502.73 in rent, paid \$3,816, and owed a balance of \$2,686.73. Defendant referred to money-order receipts and acknowledged being approximately \$400 in arrears, but did not provide sufficient documentary evidence to establish that she owed less than the amount claimed. She later argued on appeal that she was no longer in arrears as of July 19, 2024, after the April 2024 judgment.

PROCEDURAL HISTORY

Plaintiffs filed a nonpayment-of-rent eviction action in the Sixth Division District Court. The District Court entered judgment for plaintiffs for \$2,221, including costs. Defendant appealed to the Superior Court, where the

matter was tried de novo and judgment entered for plaintiffs for \$2,686.73, court costs, and possession of the rental property. Defendant then timely appealed to the Rhode Island Supreme Court, which affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case were remanded to the Superior Court following affirmance.

CASES CITED

- Red Gate Motel, Inc. v. Albanese, 317 A.3d 1123 (R.I. 2024)
- Naughton v. Guilloteau, 219 A.3d 742 (R.I. 2019) (mem.)
- Cronan v. Cronan, 307 A.3d 183 (R.I. 2024)
- Donnelly Real Estate, LLC v. John Crane Inc., 291 A.3d 987 (R.I. 2023)

INSTRUCTIONS FOR AN AI ASSISTANT

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