

CHAPTER 228
FORMERLY
HOUSE BILL NO. 249

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO LEVY AND CONSTABLE SALES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 9553, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9553. Levy; inventory; appraisalment.

(a) The goods and chattels seized by virtue of an execution issued by a Justice of the Peace Court shall be inventoried and appraised by the officer levying the same. The officer shall appraise the value of the goods and chattels based upon a readily obtainable reliable industry source for goods of that sort, if available. If no industry source is available, the constable shall appraise the value of the goods based upon training and experience.

(b) The property which any debtor is entitled to have set apart under any exemption law of the State shall be set apart and delivered to the debtor at the time when the levy and appraisalment is made, in the manner provided by law if requested by the debtor pursuant to Chapter 49 of this title.

Section 2. Amend § 9554, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9554 Sale of goods levied upon; advertisement.

(a) The goods and chattels taken on execution issued by a Justice of the Peace Court shall not be sold until 10 days after the appraisalment, nor until they are advertised for at least 10 days, in at least 5 of the most public places in the neighborhood, by advertisements setting forth the goods to be sold, and the day, hour and place of sale.

(b) One advertisement shall be delivered to every person whose goods are to be sold, and to the defendant's landlord, or to the landlord's agent if there is one residing within the county.

(c) One advertisement shall be delivered to the sheriff of the county.

(d) One such advertisement shall be delivered to each plaintiff in the execution, and also to each plaintiff in any other execution or executions at the time in the hands of the constable, or sheriff, or shall be left at the usual place of abode of such plaintiff, respectively, if there is such place of abode within the county.

(e) If any plaintiff in any such execution resides out of the county, the advertisement shall be transmitted to such plaintiff by mail, being enclosed and addressed to such plaintiff at the post office nearest such plaintiff's place of abode at least 10 days before the day of sale.

(f) The conduct of the sale shall be in accordance with Justice of the Peace Court rule or policy, which may include, but is not limited to, the establishment of a minimum bid or other requirements intended to ensure that the sale process is fair and reasonable to both the owner of the goods and the holder of the judgment.

Approved May 11, 2016