

CHAPTER 283
FORMERLY
HOUSE BILL NO. 320
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO TITLES AND CONVEYANCES.

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

Section 1. Amend Chapter 3, Title 25 of the Delaware Code by adding a new § 317A as follows:

“§ 317A. Required Disclosure of Financial Obligations in Chain of Title for New Home Sales.

(a) On or before the date that the contract of sale of a new home is delivered to the buyer, the seller shall deliver to the buyer: (1) a copy of all documents in the chain of title that create any financial obligation for the buyer, and (2) a written summary of all financial obligations created by documents in the chain of title.

(b) At the time the seller delivers the documents required by paragraph (a) of this section, the seller shall obtain from the buyer a written acknowledgement that the buyer received those documents.

(c) The Attorney General may enforce a violation of this section as a violation of consumer law under Chapter 25 of Title 6.

(d) This section does not apply to transactions in which the seller has provided to the buyer either a Public Offering Statement that includes the information required by § 81-403(a)(4) and (a)(16), or a Resale Certificate form, under Chapter 81 of Title 25, known as the Delaware Uniform Common Interest Ownership Act, or to a disposition that is exempt under § 81-401, Chapter 81 of Title 25.

(e) The Delaware Real Estate Commission (DREC) shall modify or amend existing disclosure forms, or create forms as necessary, to ensure the timely and consistent delivery of financial information to the seller pursuant to subsection (a) of this section. The Commission shall have these forms modified, amended, or created by January 1, 2011.”.

Section 2. This Act shall become effective January 1, 2011.

Approved June 10, 2010