SPONSOR: Rep. Mitchell & Rep. Dorsey Walker & Sen. Poore & Sen. Hansen
Rep. Briggs King; Sens. Ennis, Gay, Sturgeon

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 159
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SALES OF REAL ESTATE MADE BY A SHERIFF.

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

Section 1. Amend § 4974, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) As used in this section, "public building" and "public property" mean a building or property that is open to members of the public who wish to attend a sheriff's sale. "Public building" or "public property" includes a building or property not owned by the government or a governmental entity.

(b) All sales of real estate, made by a sheriff by virtue of execution process, shall be made at any one of the following locations:

(1) ~~on~~ On the premises to be ~~sold,~~ ~~or~~ sold.

(2) ~~at~~ At the courthouse for the county in which the premises are situated. ~~situated, or in Sussex County, at the Sussex County Sheriff's officer or. In Kent County, sales may also be conducted in any building in which the Sheriff's Office is located.~~

(3) At the Sheriff's Office or the building in which the Sheriff's Office is located.

(4) ~~at~~ At any public building or outdoors on any public property located in the county ~~seat~~ where the premises are situated.

(c) Unless otherwise directed by court order, the sheriff conducting a sale retains exclusive authority to determine the location and means for the sale of real property by virtue of execution as permitted by subsection (b) of this section.

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