|  |
| --- |
| JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE**IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY****COURT NO. \_\_\_\_\_\_\_** |
| **COURT ADDRESS** |  |  |  |
|  |  | CIVIL ACTION NO |  |
|  |  |  |
|  |  |  |
| **PLAINTIFF and/or JUDGMENT CREDITOR** | **VS.** | **DEFENDANT and/or JUDGMENT DEBTOR** |
| **Name** |  |  | **Location of property to be levied upon:** |
| **Name** |  |
| **Address** |  |  | **Address** |  |
|  |  |  |
| **Phone** |  |  | **Phone** |  |
| **System ID #** |  |  | **System ID #** |  |

[ ]  Check this box if address has changed [ ]  Check this box if address has changed

### LEVY OF PERSONAL PROPERTY

**PLEASE levy on the judgment debtor’s personal property in the above named case.**

I understand that the Constable selects the property to be levied upon to satisfy the debt. Any specific items that I wish to request the Constable to attempt to levy upon are prescribed on the attached document. Further, I understand it is my responsibility to notify the Court when judgment is satisfied and may be ordered to pay up to ½ of the judgment if I fail to do so. 10 Del.C. §9567.

|  |  |
| --- | --- |
| [ ]  | **I have attached a document identifying specific items believed to be owned by the judgment debtor that I wish the constable to attempt to levy upon.** |
| **[ ]**  | **Pursuant to the requirement, I have provided the Certificate of Lien for the judgment debtor’s motor vehicle(s) and request that the Constable attempt to levy upon said vehicle(s).**  |

**THE AMOUNT NOW DUE** on the judgment is as follows:

$\_\_\_\_\_\_\_\_\_\_\_\_Original amount of judgment (excluding costs, attorneys’ fees and pre-judgment interest)

$\_\_\_\_\_\_\_\_\_\_\_\_Plus court costs due, including for this form.

$\_\_\_\_\_\_\_\_\_\_\_\_Plus other fees (attorney’s fees, etc.) if allowed by judgment

$\_\_\_\_\_\_\_\_\_\_\_\_Plus Pre-judgment interest

$\_\_\_\_\_\_\_\_\_\_\_ Plus post-judgment per diem rent of $\_\_\_\_\_\_ X \_\_\_\_\_\_ days (summary possession only)

$ \_\_\_\_\_\_\_\_\_\_\_ Plus post-judgment interest at \_\_\_\_\_\_\_% per year.

$\_\_\_\_\_\_\_\_\_\_\_\_Less total credits (any amount paid towards judgment to date)

$\_\_\_\_\_\_\_\_\_\_\_\_**TOTAL DUE ON JUDGMENT**

DATE OF JUDGMENT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The foregoing statements are true and correct to the best of my knowledge and belief.**

|  |  |  |  |
| --- | --- | --- | --- |
| DATE: |  |  |  |
|  |  |  | Signature of Plaintiff / Judgment Creditor or Attorney |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **IT IS SO ORDERED** this |  | day of, |  | , | 20 |  |
|  |
|  |  |  | (SEAL) |

 Justice of the Peace

**TO THE JUDGMENT DEBTOR / DEFENDANT: YOU ARE ORDERED** not to intentionally destroy, damage, sell, conceal or interfere, directly or indirectly, with the levied property. An order to hold a Constable’s sale may be entered in the Court noted above. See back of form for Debtor’s Exemptions. A violation of this Order will subject you to Civil Contempt pursuant to 10 Del.C. §9506.

**TO THE CONSTABLE: YOU ARE ORDERED** to levy on the goods, chattels, rights, credits, money and effects of the above named Defendant and/or Judgment Debtor, to recover the amount due on the judgment

**Civil Action No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DEBTOR’S EXEMPTIONS:**

 Certain items of personal property of the Defendant/Debtor are exempt from sale including the Family Bible, school books and family library; family pictures; all the wearing apparel of Debtor and Debtor’s family; tools, implements and fixtures used in your trade or business up to $75.00; sewing machines used by a seamstresses or private families. In addition, Debtor may have the right to a Head of Family exemption of $500.00 worth of personal property beyond those items listed above. See §§ 4901-4913 of Title 10 of the *Delaware Code.*

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

**Judgment Debtor is hereby advised that refusing to allow the constable to execute the Levy of Property may subject you to Civil Contempt pursuant to 10 Del. C. §9506.**

**RETURN DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CONSTABLE’S NOTES: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**SERVED ON:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Date & Time)**

**CONSTABLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COME TO HAND: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Date & Time)**

ATTEMPTED DATES AND TIMES:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COMMENTS:

CONSTABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE & TIME RETURNED