

Introduced by: Robert J. Scott  
Date Introduced: April 9, 2024  
Public Hearing Date: April 23, 2024  
Public Hearing Time: 7:00 P.M.  
Adoption Date: April 23, 2024  
Effective Date: Upon adoption.

## **Ordinance 24-08**

### **Sheriff Fee Schedule Update**

#### **An Ordinance to Repeal and Replace Kent County Code, Chapter 128 Fees, Part 2 Fee Schedule, Article XI Fees Enumerated, §128-47 Sheriff.**

**The Levy Court of Kent County hereby ordains:**

#### **Section 1. Code Repealed.**

The Code of Kent County Levy Court is hereby amended by repealing Chapter 128 Fees, Part 2 Fee Schedules, Article XI Fees Enumerated, §128-47 Sheriff.

#### **Section 2. Code Amended.**

The Code of Kent County Levy Court is hereby amended by adding thereto a new Chapter 128 Fees, Part 2 Fee Schedules, Article XI Fees Enumerated, §128-47 Sheriff, replacing the repealed section as follows.

#### **§ 128-47 Sheriff.**

Sheriff's fees shall be as follows:

- A. Out of State Service (Paperwork filed in a court other than a Delaware Court). Fee MUST be paid by Money Order or Certified Check: \$85.00
- B. Serving a Writ of Summons, Complaint, Rule to Show Cause, Name Change, Citation On Appeal, Wage Attachment, and Writ of Possession/Replevin on one defendant: \$40.00
  - (1) Each additional defendant at the same address: \$5.
  - (2) Each additional defendant at a different address: \$40.
- C. Serving Subpoena/Duces Tecum per person: \$20.
- D. Serving upon Secretary of State:
  - (1) Sheriff's fee for summons, complaint, etc.: \$40.
  - (2) Sheriff's fee for each additional defendant: \$5.
  - (3) Secretary of State fee for each defendant payable to Secretary of State:  
For a Title 8 (two (2) sets of paperwork required per defendant): \$50.

- E. Serving upon Insurance Commissioner: (two (2) sets of paperwork required):
  - (1) Sheriff's fee for Subpoena per person: \$20
  - (2) Sheriff's fee for Summons/Complaint, etc.: \$40.
  - (3) Sheriff's fee for each additional defendant: \$5.
  - (3) Insurance Commissioner's fee for each defendant made payable to: DE Dept. of Insurance, The State of Delaware OR Office of the Insurance Commissioner: \$25.
- F. Serving a Scire Facias: \$40.
  - (1) Each additional defendant at the same address: \$5.
  - (2) Posting at time of service (same address as serve): \$5.
  - (3) Posting property at a different time than service: \$40
  - (4) Posting at a different address than served: \$40.
- G. Levying an execution on goods and chattels and lands and tenements, making inventory, causing appraisalment and making return: \$150.
- H. Scheduling Sale of:
  - (1) VE Monition and VE-FFA: \$400.
  - (2) Levari Facias and Land & tenements sale: \$500.
- I. Posting Notice to Lienholder/Monitions: \$40.
- J. If Sheriff/Deputy required to be on Stand-By at property for eviction/Replevy:
  - (1) First hour paid at time of scheduling eviction \$100, per hour. 4 Deputy requirement. \$400 deposit required. Additional \$75 per hour/per deputy for each additional hour
  - (2) First hour paid at time of scheduling replevy. \$100 per hour. 3 Deputy Requirement. \$300 Deposit required to schedule.
  - (3) Each additional hour \$75 per deputy per Sheriff's discretion.
- N. Certified mailing fees:
  - (1) for Scire Facias: \$20.
  - (2) for Wage Attachment (FIFA): \$6.80
- O. A fee of 4% will be charged on all Sheriff's sales (tax, mortgage and personal). The maximum fee under this subsection shall be \$12,000. The minimum fee under this subsection shall be \$1,000.

P. ALL RETURNED CHECKS (NSF): \$30

Q. REISSUE OF OUTDATED CHECKS: \$30

R. STOP PAYMENT ON CHECKS: \$30 + original amount of check IAW §128-37.

Copies (Including, but not limited to Sales Lists): .25 for single sided; .50 for double sided

S. The Sheriff's Office will be paid five hundred dollars (\$500) where the sheriff's sale is set aside, for any reason, by the courts.

T. The Sheriff's Office will be paid five hundred dollars (\$500) where final payment is not received from the Buyer/Assignee on or before the stated due date. Maximum of 2 business days.

**Section 3. Severability.**

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Section 4. Effective Date.**

This ordinance shall become effective upon adoption.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

\_\_\_\_\_  
President, Kent County Levy Court  
This 23<sup>rd</sup> Day of April 2024

ATTEST: \_\_\_\_\_  
Clerk of the Peace