

2005 SESSION

INTRODUCED

054277264

HOUSE BILL NO. 1892

Offered January 12, 2005

Prefiled January 7, 2005

A *BILL to amend and reenact § 8.01-156 of the Code of Virginia, relating to sheriff's sales; reimbursement of excess costs associated with disposal of manufactured home.*

Patron—Carrico

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-156 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-156. Authority of sheriffs, etc., to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale.

In any county or city, when personal property is removed from premises pursuant to an action of unlawful detainer or ejectment, or pursuant to any other action in which personal property is removed from premises in order to restore such premises to the person entitled thereto, the sheriff shall cause such personal property to be placed in a storage area designated by the governing body of the county or city if such an area has been so designated, or, in the case of a manufactured home and with the consent of the lot owner, upon the manufactured home lot, unless the owner of such personal property then and there removes it from the public way.

The owner, before obtaining possession of such personal property so placed in a storage area by the sheriff shall pay to the parties entitled thereto the reasonable and necessary costs incidental to such removal and storage. Should such owner fail or refuse to pay such costs within ~~thirty~~ 30 days from the date of placing the property in storage, the sheriff shall, after due notice to the owner and holders of liens of record, dispose of the property by publicly advertised public sale. The proceeds from such sale shall be used to pay all costs of removal, storage, and sale, all fees and liens, and the balance of such funds shall be paid to the person entitled thereto. Should the cost of removal and storage exceed the proceeds realized from such sale the county or city shall reimburse the sheriff for such excess, *except that any such excessive costs related to the disposal of a manufactured home shall be paid by the owner of the property upon which the home is located.*

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