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HOUSE BILL NO. 536

Offered January 20, 1998

A BILL to amend and reenact § 8.01-156 of the Code of Virginia, relating to authority to store personal property removed from premises.

Patron—Jones, J.C.

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 *such premises are restored to the person entitled to possession and* personal property is removed from *the* 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~~,~~. *If no such an area has been so designated, the sheriff may, upon request of the person entitled to possession of the premises, allow the property to remain upon the premises or be removed to the public streets* 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 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.

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