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Hocker

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 243

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES.

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

1 Section 1. Amend Chapter 67, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 6718. Jurisdiction; service of process.

4 An action for possession involving an agricultural lease shall be heard by the Justice of the Peace Court which
5 hears civil cases in the county in which the property is located. In the event that the property involved in the litigation is
6 situated in more than one county, jurisdiction shall lie in the county in which the majority of the property sits. The
7 provisions of Chapter 57 of this title shall apply to any such action. Service of process shall be delivered by personal
8 service as prescribed in Justice of the Peace Court Civil Rules or certified mail, return receipt requested; there shall be no
9 requirement that the property be posted to effect service of process, unless other means of service have first failed.

SYNOPSIS

Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.