

TITLE 10. COURTS AND JUDICIAL PROCEDURE
PART III. PROCEDURE
CHAPTER 35. ATTACHMENTS

10 Del. C. § 3502 (2001)

§ 3502. Corporations subject to attachment and garnishment

(a) All corporations doing business in this State, except as specified in subsections (b) and (c) of this section, are subject to the operations of the attachment laws of this State, as provided in the case of individuals. A corporation shall be liable to be summoned as garnishee.

(b) Banks, trust companies, savings institutions and loan associations, except only as to a wage attachment against the wages of an employee of the bank, trust company, savings institution or loan association, shall not be subject to the operations of the attachment laws of this State.

TITLE 10. COURTS AND JUDICIAL PROCEDURE
PART III. PROCEDURE
CHAPTER 49. EXECUTIONS
SUBCHAPTER I. SUBJECTS OF EXECUTION; EXEMPTIONS

10 Del. C. § 4902 (2008)

§ 4902. Exempt property

(a) Every person residing within this State shall have exempt from execution or attachment process, or distress for rent, the following articles of personal property: The family Bible, school books and family library, family pictures, a seat or pew in any church or place of public worship, a lot in any burial ground, all the wearing apparel of the debtor and the debtor's family.

(b) In addition to the articles specifically named in subsection (a) of this section, each person residing in this State shall have exempt the tools, implements and fixtures necessary for carrying on his or her trade or business, not exceeding in value \$ 75 in New Castle and Sussex Counties, and \$ 50 in Kent County.

(c) All sewing machines owned and used by seamstresses or private families, shall be exempt from levy and sale on execution or attachment process and also from distress and sale for rent. This provision shall not apply to persons who keep sewing machines for sale or hire.

(d) All pianos, piano playing attachments and organs leased or hired by any person residing in this State, shall be exempt from levy and sale on execution or from distress for rent due by such person so leasing or hiring any such piano, piano playing attachment, or organ in addition to other goods and chattels exempt by law. The owner of any such piano, piano playing attachment or organ or such owner's agent, or the person so leasing or hiring the same shall give notice to the landlord or the landlord's agent that the instrument is hired or leased.

10 Del. C. § 4914 (2008)

§ 4914. Exemptions in bankruptcy and insolvency

(a) In accordance with § 522(b) of the Bankruptcy Reform Act of 1978, in any bankruptcy proceeding, an individual debtor domiciled in Delaware is not authorized or entitled to elect the federal exemptions as set forth in § 522(d) of the Bankruptcy Reform Act of 1978 and may exempt only that property from the estate as set forth in subsection (b) of this section.

(b) In any federal bankruptcy or state insolvency proceeding, an individual debtor domiciled in Delaware shall be authorized to exempt from the bankruptcy or insolvency estate, in addition to the exemptions made in this subsection and in § 4915 of this title, personal property and/or equity in real property, other than the debtor's principal residence having an aggregate fair market value of not more than \$ 25,000.

(c) In any federal bankruptcy or state insolvency proceeding, an individual debtor and/or such individual's spouse domiciled in Delaware shall be authorized to exempt from the bankruptcy or insolvency estate, in addition to the exemptions made in subsection (b) hereof and in § 4915 of this title, the following:

(1) Equity in real property or equity in a manufactured home (as defined in Chapter 70 of Title 25) which constitutes a debtors principal residence in an aggregate amount not to exceed \$ 50,000, and

(2) A vehicle and/or tools of the trade necessary for purposes of employment in an amount not to exceed \$ 15,000 each.

(d) This section shall apply separately with respect to each debtor in a joint case but not to exceed \$ 25,000 each in value in personal property and/or equity in real property, other than the debtor's principal residence, a total not to exceed \$ 50,000 in value in a principal residence in an individual or a joint case, and \$ 15,000 each in subsection (c) of this section vehicle and \$ 15,000 each in subsection (c) of this section tools of the trade.

§ 4915. Exemption of retirement plans.

(a) In addition to the exemptions provided in §§ 4902 and 4903 of this title, there shall be exempt from execution or attachment process assets held or amounts payable under any retirement plan.

(b) Any amount qualifying as an "eligible rollover distribution" under § 402 of the Internal Revenue Code of 1986, as amended, or as a "rollover contribution" under § 408 of the Internal Revenue Code of 1986, as amended, is treated as an exempt amount under subsection (a) of this section for 60 days after the distribution of such amount. Such amount remains exempt from execution or attachment process if contributed to a retirement plan within 60 days of being distributed from a retirement plan.

(c) Any retirement plan described in subsection (a) of this section shall not be exempt from any claims for relief granted pursuant to Chapter 5 and/or Chapter 15 of Title 13.

(d) Any retirement plan described in subsection (a) of this section shall not be exempt from the claims of an alternate payee under a qualified domestic relations order. However, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor of the alternate payee. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in § 414(p) of the Internal Revenue Code of 1986, as amended.

(e) A participant or beneficiary of a retirement plan is not prohibited from granting a valid and enforceable security interest in the participant's or beneficiary's interest under the retirement plan to secure a loan to the participant or beneficiary from the plan, and the right to assets held in or to receive payments from the plan is subject to execution and attachment for the satisfaction of the security interest or lien granted by the participant or beneficiary to secure the loan.

(f) "Retirement plan" means any retirement or profit sharing plan that is qualified under § 401, § 403, § 408, § 408A, § 409, § 414 or § 457 of the Internal Revenue Code of 1986, as amended.

(g) This section shall not exempt from execution or attachment any judgment obtained under § 554 of Title 30.

§ 4916. Exemption of Delaware College Investment Plan Accounts.

(a) In addition to the exemptions provided in §§ 4902 and 4903 of this title, there shall be exempt from execution or attachment process assets held in and proceeds payable under Chapter 5 of Title 13 or from any account established under the Delaware College Investment Plan pursuant to subchapter XII of Chapter 34 of Title 14 (a "Plan

Account"). This exemption shall only apply to such amount as does not exceed the total contributions permitted under § 529(b)(7) of the Internal Revenue Code with respect to any Plan Account.

(b) This section shall not exempt from execution or attachment assets contributed by a debtor to any Plan Account within 365 days to the extent that such assets contributed within said 365 days exceed the greater of (i) \$5,000 or (ii) the average annual contribution made by such debtor to such Plan Account for the 2 calendar years preceding the date of the filing of such execution or attachment or the filing of such petition.

(c) This section shall not exempt from execution or attachment any judgment obtained under § 554 of Title 30. If any portion of this section is held invalid or is preempted by federal law, in whole or in part, the remaining portions shall remain in effect to the maximum extent permitted by law.

18 Del. C. § 2726 (2008)

§ 2726. Exemption of proceeds, health insurance

Except as may otherwise be expressly provided by the policy or contract, the proceeds or avails of all contracts of health insurance and of provisions providing benefits on account of the insured's disability which are supplemental to life insurance or annuity contracts heretofore or hereafter effected shall be exempt from all liability for any debt of the insured and from any debt of the beneficiary existing at the time the proceeds are made available for his/her use.