

2017 -- H 5445

LC001404

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY--LEVY
AND SALE ON EXECUTION

Introduced By: Representatives Ackerman, Craven, Jacquard, Solomon, and Newberry

Date Introduced: February 09, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-26-15 of the General Laws in Chapter 9-26 entitled "Levy and
2 Sale on Execution" is hereby amended to read as follows:

3 **9-26-15. Recording effective as levy.**

4 (a) The filing of the copy of the execution with the recorder of deeds, if any, or with the
5 town clerk or city clerk, as provided in § 9-26-14, shall constitute and be deemed a good and
6 sufficient levy upon the real estate or any interest therein so described upon the copy of the
7 execution. No execution shall be effective as a levy against any property of a debtor unless it
8 contains a specific description as set forth below.

9 (b) In order for a recorded execution to be effective as a levy against real estate or any
10 interest therein, the execution must contain a description, containing either an assessor's plat and
11 lot number, a metes and bounds description of the property, a specific street address or the
12 description based on a recorded lot and plat. Any general reference to real property located in a
13 city or town shall be ineffective to levy against any such real property.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require attachments and executions to describe real estate with
2 particularity by using the recorded legal description, or metes and bounds, street address or
3 assessors plat and lot number.

4 This act would take effect upon passage.

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