

Delaware

- **Contract (written)**, less than \$100,000 - three years, Del. Code Ann. tit. 10, § 8106(a).
- **Contract (written contract only), \$100,000 or greater** - as specified in the written contract but prior to 20 years from the accrual of the cause of action. Del. Code Ann. tit. 10, § 8106(c).
- **Contract (oral)**, less than \$100,000 - three years, Del. Code Ann. tit. 10, § 8106(a).
- **Sale of goods (written contract only), \$100,000 or greater** - as specified in the written contract but prior to 20 years from the accrual of the cause of action. Del. Code Ann. tit. 10, § 8106(c).
- **UCC Sale of goods (written or oral)** - four years. 6 Del. C. § 2-725.
- **Promissory note, bill of exchange, or an “acknowledgment under the hand of the party of a subsisting demand”** - 6 years, Del. Code Ann. tit. 10, § 8109.

Borrowing Statute - Del. Code Ann. tit. 10, § 8121.

Where a cause of action arises outside of this State, an action cannot be brought in a court of this State to enforce such cause of action after the expiration of whichever is shorter, the time limited by the law of this State, or the time limited by the law of the state or country where the cause of action arose, for bringing an action upon such cause of action. Where the cause of action originally accrued in favor of a person who at the time of such accrual was a resident of this State, the time limited by the law of this State shall apply.

Cases Interpreting Borrowing Statute

The applicable statute of limitations under Delaware's borrowing statute for claims arising under foreign law is the shorter limitations period between Delaware and the foreign jurisdiction. *Millien v. Popescu*, No. 8670-VCN, 2014 Del. Ch. LEXIS 15, at *51 (Ch. Jan. 31, 2014).

Delaware courts will not bar a complaint that is timely under the law governing the claim. “[T]he Borrowing Statute only applies when a party seeks to take advantage of a longer Delaware statute of limitations to bring a claim that would be time-barred under the law of the jurisdiction governing the claim.” *Bear Stearns Mortg. Funding Trust 2006-SL1 v. EMC Mortg. LLC*, 2015 Del. Ch. LEXIS 9 (Del. Ch. Jan. 12, 2015).

“[T]he statute prohibits a plaintiff from bringing an out-of-state claim, barred by the foreign state's statute of limitations, to Delaware where the claim is not time-barred.” *Youkelsone v. Wash. Mut., Inc. (In re Wash. Mut., Inc.)*, 2010 Bankr. LEXIS 2453 (Bankr. D. Del. Aug. 13, 2010).

Tolling

10 Del. C. § 8117 tolls the running of § 8106 “to defendants who, at the time the cause of action accrues, are outside the state and are not otherwise subject to service of process in the state.” *Saudi Basic Indus. Corp. v. Mobil Yanbu Petrochemical Co.*, 866 A.2d 1, 18 (Del. 2005).