

REVISOR'S NOTE: This section presently appears as Art. 21, §8-305 of the Code. Subsection (c) is proposed for deletion as unnecessary since its provisions are included within subsection (b). The only other changes are in style.

8-307. EXEMPTIONS FROM LEVY; GOODS SUBJECT TO SECURITY INTEREST.

(A) EXEMPTIONS FROM LEVY.

THE FOLLOWING ARE EXEMPT FROM DISTRESS:

(1) HAND-POWERED AND OPERATED TOOLS USED BY A TENANT IN HIS OCCUPATION OR LIVELIHOOD;

(2) LAW BOOKS OF AN ATTORNEY;

(3) HAND-OPERATED INSTRUMENTS OF A PHYSICIAN;

(4) MEDICAL BOOKS OF A PHYSICIAN;

(5) FILES AND PROFESSIONAL RECORDS OF AN ATTORNEY OR PHYSICIAN; AND

(6) THE PRIOR PERFECTED SECURITY INTEREST IN ALL GOODS IN WHICH THE TENANT HAS AN INTEREST.

(B) GOODS SUBJECT TO SECURITY INTEREST.

THE LANDLORD IN HIS PETITION SHALL CERTIFY AS TO THE EXISTENCE OF A PERFECTED SECURITY INTEREST IN ANY GOODS OF THE TENANT. IF THE SECURITY INTEREST WAS PERFECTED PRIOR TO THE LEVY UNDER THE DISTRAINT, THE LANDLORD EITHER SHALL RELEASE THE PROPERTY FROM THE DISTRAINT PROCEEDINGS OR PAY TO THE HOLDER OF THE SECURITY INTEREST THE BALANCE DUE UNDER THE SECURITY INTEREST. IF THE LANDLORD PAYS THE BALANCE, IT BECOMES A PART OF THE COSTS IN THE DISTRAINT PROCEEDINGS. HOWEVER, THE HOLDER OF THE SECURITY INTEREST, ON DEMAND BY THE LANDLORD, SHALL GIVE A TRUE WRITTEN STATEMENT OF THE BALANCE DUE UNDER THE SECURITY INTEREST, AND, IF THE LANDLORD PAYS THE BALANCE, THE HOLDER SHALL ASSIGN OR RELEASE THE SECURITY INTEREST TO THE LANDLORD.

REVISOR'S NOTE: This section presently appears as Art. 21, §8-308 of the Code and is set forth here for organizational purposes. The present references to "surgeon" are proposed for deletion because a surgeon is a physician. In subsection (b) the present reference to "conditional contract of sale" and "chattel mortgage" are proposed for deletion because they are now obsolete in light of the Uniform