

OF A BOND BY THE PLAINTIFF IN THE AMOUNT AND IN THE FORM THE COURT DETERMINES.

REVISOR'S NOTE: This section presently appears as Art. 21, §8-309 of the Code. The only changes are in style.

8-311. LEVY ON GOODS OF THIRD PERSON; FINALITY OF LEVY; REMOVAL OF EXCLUDED GOODS.

(A) LEVY ON GOODS OF THIRD PERSONS.

WITHIN SEVEN DAYS AFTER THE LEVY, ANY PERSON WHO IS NOT A TENANT AND WHOSE GOODS ARE LEVIED ON UNDER DISTRESS MAY FILE A PETITION WITH THE COURT WHERE THE ACTION OF DISTRESS IS PENDING FOR AN ORDER TO EXCLUDE FROM LEVY THE GOODS OF THE PERSON NOT A TENANT. THE PETITION SHALL SET FORTH THE FACTS AS TO THE OWNERSHIP OF THE GOODS AND SHALL BE VERIFIED BY THE PETITIONER.

(B) SERVICE.

A COPY OF THE PETITION SHALL BE SERVED ON THE PLAINTIFF AND DEFENDANT. IF SERVICE CANNOT BE MADE ON EITHER, THE PETITIONER SHALL CERTIFY THIS FACT TO THE COURT IN WRITING, STATING THE REASON FOR IT.

(C) ORDER EXCLUDING GOODS; REMOVAL.

AFTER A HEARING HELD ON NOT MORE THAN TEN DAYS' NOTICE, AND ON SUBMISSION OF PROOF SATISFACTORY TO THE COURT THAT THE GOODS ARE NOT THE PROPERTY OF THE TENANT, THE COURT SHALL ISSUE AN ORDER EXCLUDING THE GOODS FROM LEVY. THIS ORDER AUTHORIZES THE OWNER TO REMOVE HIS GOODS FROM THE LEASED PREMISES AT THE OWNER'S EXPENSE FREE OF ANY CLAIM OF THE LANDLORD.

(D) REMOVAL OF EXCLUDED GOODS.

THE ORDER SHALL PROVIDE THAT THE CLAIMANT SHALL REMOVE HIS GOODS AT HIS EXPENSE FROM THE LEASED PREMISES WITHIN A TIME TO BE FIXED BY THE COURT. IF THE CLAIMANT FAILS TO REMOVE HIS GOODS WITHIN THE FIXED TIME, THEN THE GOODS CLAIMED BY HIM NO LONGER SHALL BE EXCLUDED FROM DISTRESS AND SHALL BE SUBJECT TO THE LANDLORD'S CLAIM FOR DISTRESS AS THOUGH NO PETITION FOR EXCLUSION HAD BEEN FILED.

(E) FINALITY OF LEVY.

IF NO PETITION TO DETERMINE OWNERSHIP OF GOODS IS FILED BY ANY THIRD PERSON WITHIN SEVEN DAYS AFTER THE DATE OF A LEVY UNDER DISTRESS, ALL GOODS ON THE LEASED PREMISES AND INCLUDED IN THE INVENTORY CONCLUSIVELY ARE