

Article - Real Property

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§8–311.

(a) 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) 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) 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 the owner's goods from the leased premises at the owner's expense free of any claim of the landlord.

(d) The order shall provide that the claimant shall remove the claimant's goods at the claimant's expense from the leased premises within a time to be fixed by the court. If the claimant fails to remove the claimant's goods within the fixed time, then the goods claimed by the claimant 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) 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 presumed to be the goods of the tenant and may be disposed of according to the applicable provisions of this subtitle without any liability to the owner for the disposal.

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