

11. *Form of petition; contents.*

*An action of distress shall be brought by the landlord as plaintiff and his petition shall name the tenant as defendant and shall set forth the name and address of the landlord, the name and address of the tenant, and the facts as to any assignment of lease, the premises leased, the date of the lease, the term of the lease, the rent required to be paid by the lease and the amount of the rent in arrears. The petition shall be under oath or affirmation of the plaintiff, or his agent, that the facts recited in the petition are true and correct.*

12. *Order of levy and service; inventory; return; amended levy and inventory.*

*(a) Upon the filing of an action of distress the court shall promptly issue an order directing that all goods on the leased premises and not exempted by law shall be levied upon. A copy of the petition of distress and the order of levy shall be served upon each tenant on the leased premises. If no tenant is found on the premises, a copy of the petition and order shall be affixed in a prominent place on the interior of the leased premises. The officer making the levy shall then proceed to make an inventory of each article of goods distrained upon and shall deliver to each tenant found on the premises, or, if not so found, leave affixed to the premises a copy of the inventory as provided above in the case of the petition and order. The officer serving the order shall make a return of his action to the court including the date and time thereof.*

*(b) Whenever the plaintiff shall by verified petition request the court to include in the levy goods subject to distress and claimed to be on the leased premises but not included in the levy and inventory, the court shall, after service of a copy of the petition on the defendant and on any other person claiming an interest in the goods, conduct a hearing on the petition and the court shall have the power to amend the levy and inventory to include therein such of the goods as the court shall find should be included therein.*

13. *Goods levied upon; exclusions from levy; ground rent.*

*(a) The levy under an action of distress shall be made solely on goods as defined in Section 39A herein found on the leased premises, regardless of whether such goods are the property of the tenant or of some other person or persons, except as provided in subsection (b) below.*

*(b) When the term of a lease is for more than fifteen years, levy shall be made solely on the goods of the tenant or owner of the leasehold interest found on the leased premises, and the goods of any subtenant or of any third party on the leased premises shall not be subject to levy under distress.*

*(c) The goods and chattels and property of the tenant who has paid his rent to the owner of the leasehold estate shall be absolutely exempt from distraint for ground rent if any is due and owing to the ground rent landlord by the owner of the leasehold estate.*

14. *Levied goods in custody of court.*

*Goods levied upon under distress shall be held thereafter in custodia legis.*