

regardless of whether the goods have been removed from the leased premises by the officer, except that the officer shall be responsible to the owner of the goods for wilful damage thereto.

8-312. *Expense of removing goods; liability for removal of goods affixed to realty.*

(a) *The expense of removal of any goods from the leased premises to any other place for storage pending sale, including the expense of removal of goods which are affixed to the realty, shall be included as a part of the costs of distress.*

(b) *No liability shall be incurred by any officer for the removal of goods which are affixed to the realty. The officer may require the plaintiff to furnish an indemnity bond to the officer to protect him from any claims for damage or injury to persons or property caused by the officer's removal for purposes of sale of goods which are affixed to the realty.*

8-313. *Answer to petition; hearing; final order of sale.*

(a) *The defendant in an action of distress may file an answer to the action, setting forth any defenses he may have to the action, including, but not limited to, excessive rent distrained for, or that the rent sued is not distrainable. Hearing on the defendant's answer shall be held on not more than ten days' notice sent by regular mail to all of the parties and claimants but the court shall have the power to postpone the hearing from time to time upon due notice to all parties. The court at the hearing shall have the power to determine and decide all issues raised, and is empowered to issue an order of sale of the goods and to make such orders in connection therewith as may be required.*

(b) *In any final order for the sale of goods distrained, the court shall have power to increase the amount of the rent claim to an amount equal to the sum of the plaintiff's original claim plus rent accruing after the filing of the petition for distress up to the day prior to the date of sale on which rent may fall due.*

(c) *If the tenant named as defendant in an action for distress shall fail to file an answer to the petition for distress within seven days after a levy has been made, the court may upon motion of the plaintiff or on its motions issue an order for sale of the goods distrained.*

(d) *The date of sale shall be in the discretion of the court but shall be held as soon as practicable.*

8-314. *Order to follow removed goods; goods in another jurisdiction; entry under following goods order.*

(a) *Whenever a tenant shall remove his goods from the leased premises, and the officer can find no goods of the tenant on the premises, he shall report that fact to the court. The court shall be empowered, if it is satisfied the goods of the tenant have been removed, to issue an order to follow goods under distress at any time within six months after filing of an action of distress. The order shall authorize levy on the goods which have been removed at any place the goods can be found within the jurisdiction of the court.*