

8-319. *Disposition of unsold goods; surplus proceeds of sale; order in which goods to be sold.*

(a) *Upon a sale under distress, only such goods shall be sold as are necessary to satisfy the claim for rent due and to pay all costs. Any unsold goods shall be returned to the tenant if they have been removed or they shall be left on the premises. Any surplus of monies remaining after the sale, payment of the rent claim and all costs shall be returned to the tenant or paid as provided by order of the court. The cost of returning unsold goods to the premises, if removed, shall be included as costs of the sale.*

(b) *At a sale the goods of the tenant shall be sold first and in their entirety if necessary to satisfy the claim for rent and costs before any distrainable goods of others shall be sold. The sale of goods of others shall be made only to the extent which may be necessary to satisfy the rent claim and all costs.*

(c) *In case any surplus of monies or unsold goods remain in the hands of an officer upon completion of proceedings in an action of distress and after payment of all claims and costs incurred, a judgment creditor or other person claiming a right to the monies or goods shall have the right to petition the court in which the action was brought for payment of his judgment or claim out of such excess of money or goods, plus court costs expended by such creditor or claimant. The court shall have the right, after hearing on the petition, to direct payment of the monies or goods, or to order the sale of goods in the same manner and after proceedings similar to those in attachment or execution. Any exemption allowed by law shall be allowed in these proceedings if claimed.*

8-320. *Security for costs.*

The officer may require a plaintiff to indemnify the officer for the anticipated costs of sale, either in the form of a surety bond, or by a certified check payable to the order of the officer in an amount sufficient to pay all expenses of the sale.

8-321. *Amount of costs; items included; additional costs.*

(a) *The costs charged in actions of distress shall be as follows:*

(b) *When the amount of rent distrained for is \$500.00 or less, the costs for a petition for distress shall be \$10.00 regardless of the number of defendants to be served at the leased premises. If the amount of rent distrained for exceeds \$500.00, then in addition to the costs hereinabove set forth, the additional costs shall be \$5.00 for each additional \$500.00 or a fraction thereof of rent distrained for. In addition there shall be a charge of \$2.00 for each defendant to be served at an address other than the leased premises. If any defendant is not a resident of, or amenable to service in a county where the leased premises are located, service may be made upon such defendant by registered or certified mail. If any such service is returned by the post office department as refused by the addressee or by the addressee's agent, then the process shall be sent by ordinary mail and the defendant returned as summoned. The cost of any reissue of summons for a defendant shall be \$2.00.*

(c) *The officer shall be entitled to additional costs as follows:*

(1) *If the distress leads to an actual sale of property, the officer may charge and collect a poundage fee computed on the sale price of the property sold, as follows:*