

(2) *For personal property: 3% of the first \$5,000.00 of sale price, plus 2% of the second \$5,000.00 of sale price, plus 1% of any portion of the sale price in excess of \$10,000.00. Under this paragraph in any event the minimum fee is \$3.00 and the maximum fee is \$500.00.*

(3) *The costs for filing a petition and service thereof on one other party or claimant shall be \$2.00. In addition, there shall be a charge of \$2.00 for service upon each additional person, whether party or claimant or any attorney of record.*

(d) *The actual costs of sale, including publication of notice of sale, auctioneer's fees, cost of removal or storage of goods pending sale or for sale, and cost of returning unsold goods to the premises after sale.*

(e) *Filing costs shall be paid at the time of filing the action, and other costs at the time of filing subsequent petitions. The award and distribution of costs shall be in the discretion of the court.*

#### *8-322. Rights of third party when goods sold under distress.*

*Whenever the goods of a third party are distrained upon and sold under an action of distress, the third party shall have a right of action against the tenant for damages for any loss sustained by the third party as a result of the levy and sale of his goods under distress. Such an action for damages may be brought before the court before which the original action was brought, regardless of any monetary limitation of the civil jurisdiction of the court. If the action for damages is brought in any other court, it shall only be necessary to file a certified copy of the record in the original court as evidence of the proceedings therein.*

#### *8-323. Termination of leases; recording; possession of premises.*

(a) *The court is authorized, upon the election of the plaintiff in an action of distress, made in writing, to declare the lease terminated and of no further force and effect. Such an election shall be made only where all tenants have been served with a copy of the action of distress and after sale of all goods levied on. The court shall have no power to terminate any lease which runs for a period of greater than fifteen years.*

(b) *If any tenant was not served with a copy of the action of distress, then the court shall have power to declare the lease terminated if a copy of nisi order of termination is twice returned non est as to the nonsummoned defendant.*

(c) *Whenever an action of distress is filed for rent due under a recorded lease and the court, as in this section provided, shall terminate the lease, the plaintiff shall file among the land records a certified copy of the order of the court terminating the lease.*

(d) *When the court shall declare a lease terminated under subsection (a) of this section, the court shall have power on application of the plaintiff to issue its order or judgment of restitution of the premises and shall issue its warrant to the officer commanding him forthwith to deliver to the plaintiff, his heirs, personal representatives and assigns, possession thereof in full and ample manner as set forth in § 4-402(b) of this article in cases of tenants holding over. The costs of this action shall be the same as in the case of a tenant holding over.*