

60A.

[Whenever] IF in detinue there [shall be] IS a judgment in the alternative for the return of chattels or the payment of their value, the judgment for the return or delivery of the goods may be enforced by a writ in the nature of a writ of capias in withernam, land by attachment of the party or parties adjudged to return or deliver the same, or either, unless the court, on good cause shown, shall otherwise order, or] unless the party or parties entitled to [such] THE return or delivery [shall] agree of record to accept the value of the chattels as ascertained by the judgment in lieu of [such] THE return or delivery, but nothing herein contained [shall] prevent the party entitled to [such] THE judgment from having his execution besides for the damages, if any, given for the detention and his costs, and every]. EVERY VERDICT AND judgment in detinue, and every verdict therein] shall ascertain separately the value of the goods and chattels and the damages, if any, for their detention.

SECTION 4. AND BE IT FURTHER ENACTED, That new Section 8-303.1 be and it is hereby added to Article 21 of the Annotated Code of Maryland (1972 Interim Supplement), "Real Property," title "Title VIII, Landlord and Tenant," subtitle "Subtitle 3. Distress For Rent," to follow immediately after Section 8-303 thereof, and to read as follows:

8-303.1.

(A) UPON THE FILING OF AN ACTION OF DISTRESS THE CLERK SHALL ISSUE AN ORDER DIRECTED TO THE DEFENDANT TO APPEAR AND SHOW CAUSE AT A TIME STATED THEREIN WHY LEVY UNDER AN ACTION OF DISTRESS SHOULD NOT BE MADE. THE HEARING SHALL BE NOT EARLIER THAN SEVEN DAYS FROM DATE OF SERVICE UPON THE DEFENDANT.

(B) THE ORDER SHALL ALSO:

(1) DIRECT THE TIME WITHIN WHICH SERVICE OF THE PETITION AND SHOW CAUSE ORDER SHALL BE MADE UPON THE DEFENDANT; AND

(2) INFORM THE DEFENDANT THAT HE MAY (I) APPEAR AT THE TIME STATED AND PRESENT EVIDENCE ON HIS BEHALF; AND THAT (II) IF HE FAILS TO APPEAR, ALL GOODS ON THE LEASED PREMISES AND NOT EXEMPTED BY LAW MAY BE LEVIED UPON AND REMOVED BY THE SHERIFF.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 8-304 of Article 21 of the Annotated Code of Maryland (1972 Interim Supplement), "Real Property," title "Title VIII, Landlord and Tenant," subtitle "Subtitle 3. Distress For Rent," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

8-304.

(a) Upon [the filing of an action of distress] A DETERMINATION OF REASONABLE PROBABILITY 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