

AMOUNT OF THE JUDGMENT DUE THE PLAINTIFF, THE COURT MAY ENTER JUDGMENT AGAINST THE SHERIFF IN THE AMOUNT OF THE CLAIM, IF THE COURT IS SATISFIED THAT THE SHERIFF RECEIVED THE DEBT FROM THE DEFENDANT AND THAT HIS RETURN IS FALSE.

(C) NO PREJUDICE TO PLAINTIFF'S REMEDY ON BOND.

A REMEDY GRANTED UNDER THIS SECTION DOES NOT PREJUDICE THE PLAINTIFF'S RIGHT TO PROCEED AGAINST THE SHERIFF'S BOND.

REVISOR'S NOTE: This section is new language derived from Art. 87, § 14. Sec. 14 presently provides that a sheriff has no stay or right of appeal from an amercement under this section. This provision is proposed for deletion as being generally unfair and possibly violative of due process.

SEC. 11-511. DISPUTE AS TO PROCEEDS.

(A) INSTRUCTIONS FROM COURT.

IF A DISPUTE EXISTS AS TO THE DISTRIBUTION OF THE PROCEEDS OF A SHERIFF'S SALE, THE SHERIFF MAY FILE ONE OR MORE RETURNS.

(B) RIGHT OF APPEAL.

THE COURT MAY RATIFY ONE OF THE RETURNS, OR MAY DIRECT THE SHERIFF TO FILE FURTHER RETURNS.

(C) EFFECT OF RATIFICATION.

THE RATIFICATION OF A RETURN UNDER THIS SECTION IS A FINAL ORDER.

REVISOR'S NOTE: This section is new language derived from Art. 87, §15. The provision dealing with appeals from a ratification under this section will appear in Title 12.

SEC. 11-512. INJUNCTION AGAINST SALE OF PERSONAL PROPERTY UNDER EXECUTION.

IF A SHERIFF IS PREVENTED BY AN INJUNCTION FROM SELLING PERSONAL PROPERTY TAKEN IN EXECUTION, THE COURT MAY ORDER THE RETURN OF THE PROPERTY TAKEN TO THE PARTY FROM WHOM IT WAS TAKEN, AND THE SHERIFF IS NOT ANSWERABLE TO THE PLAINTIFF FOR FAILURE TO SELL