

and costs incurred, a judgment creditor or other person claiming a right to the money or goods may petition the court in which the action was brought for payment of [his] THE CREDITOR'S OR CLAIMANT'S judgment or claim out of the excess of money or goods, plus court costs expended by the creditor or claimant. After a hearing on the petition, the court may direct payment of the money or goods or order the sale of goods in the same manner and after proceedings similar to those in attachment or execution. Any exemption allowed by law is permitted in these proceedings if claimed.

8-323.

If the goods of a third party are distrained on and sold under an action of distress, the third party has 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] THE THIRD PARTY'S goods under distress. The 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, only a certified copy of the record in the original court need be filed as evidence of the proceedings.

8-324.

(c) If the court declares a lease terminated under subsection (a), the court on application of the plaintiff, may issue its order or judgment of restitution of the premises. The court shall issue its warrant to the officer commanding [him] THE OFFICER to deliver immediately to the plaintiff, possession in full and ample manner as set forth in § 8-402(b). The costs of this action are the same as in the case of a tenant holding over.

8-328.

(a) If a tenant under a lease dies, or, if the tenant is a corporation and ceases to exist, distress may be brought against the tenant named in the lease regardless of death or nonexistence. The plaintiff shall give notice of an action of distress to the personal representative of a deceased defendant or to any person who was an officer at the time the corporation ceased to exist and the plaintiff shall certify to the court that [he] THE PLAINTIFF has given notice. Then the plaintiff may proceed with levy and sale as provided in this subtitle.

(b) If a tenant dies and no personal representative is appointed by a court having jurisdiction, or if an officer of the nonexistent corporation cannot be found and, therefore, service of process is returned non est, then, on application of the plaintiff, an order may be passed requiring a copy of the petition for distress to be posted at the courthouse door at least one week before the date of sale. Failure of the plaintiff to apply for the order subjects [him] THE PLAINTIFF to suit by the personal representative of the deceased tenant, or by the officer or surviving directors of the nonexistent corporation for any loss or damage sustained. If the plaintiff makes application for the order, [he] THE PLAINTIFF is under no liability either to the estate of the deceased tenant, or to the surviving trustees or officers of the nonexistent corporation.