

(I) GIVE JUDGMENT FOR RESTITUTION OF THE POSSESSION OF THE PROPERTY TO THE COMPLAINANT; AND

(II) ISSUE ITS WARRANT TO THE SHERIFF OR CONSTABLE COMMANDING THE SHERIFF OR CONSTABLE TO DELIVER POSSESSION TO THE COMPLAINANT.

(2) THE DISTRICT COURT MAY ALSO GIVE JUDGMENT IN FAVOR OF THE COMPLAINANT FOR DAMAGES DUE TO THE WRONGFUL DETAINER AND FOR COURT COSTS AND ATTORNEY FEES IF:

(I) THE COMPLAINANT CLAIMED DAMAGES IN THE COMPLAINT; AND

(II) THE COURT FINDS THAT:

1. THE PERSON IN ACTUAL POSSESSION WAS PERSONALLY SERVED WITH THE SUMMONS; OR

2. THERE WAS SERVICE OF PROCESS OR SUBMISSION TO THE JURISDICTION OF THE COURT AS WOULD SUPPORT A JUDGMENT IN CONTRACT OR TORT.

(3) A PERSON IN ACTUAL POSSESSION WHO IS NOT PERSONALLY SERVED WITH A SUMMONS IS NOT SUBJECT TO THE PERSONAL JURISDICTION OF THE DISTRICT COURT IF THE PERSON APPEARS IN RESPONSE TO THE SUMMONS AND PRIOR TO THE TIME THAT EVIDENCE IS TAKEN BY THE DISTRICT COURT AND ASSERTS THAT THE APPEARANCE IS ONLY FOR THE PURPOSE OF DEFENDING AN IN REM ACTION.

(F) (1) NOT LATER THAN 10 DAYS FROM THE ENTRY OF THE JUDGMENT OF THE DISTRICT COURT, EITHER PARTY MAY APPEAL TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(2) THE PERSON IN ACTUAL POSSESSION OF THE PROPERTY MAY RETAIN POSSESSION UNTIL THE DETERMINATION OF THE APPEAL IF THE PERSON:

(I) FILES WITH THE DISTRICT COURT AN AFFIDAVIT THAT THE APPEAL IS NOT TAKEN FOR DELAY; AND

(II) 1. FILES SUFFICIENT BOND WITH ONE OR MORE SECURITIES CONDITIONED ON DILIGENT PROSECUTION OF THE APPEAL; OR

~~(III)~~ 2. PAYS TO THE COMPLAINANT OR INTO THE APPELLATE COURT:

~~±~~ A. THE FAIR RENTAL VALUE OF THE PROPERTY FOR THE ENTIRE PERIOD OF POSSESSION UP TO THE DATE OF JUDGMENT;

~~±~~ B. ALL COURT COSTS IN THE CASE;