

## **The Distress Act**

"Distress" is the seizure of a person's property to secure the performance of a duty such as the payment of overdue rent. The Distress Act regulates the exercise of this remedy in certain situations.

The Act regulates the costs which may be charged in the course of making a seizure of consumer goods for rent or under the authority of a security agreement.

The Act also prescribes how seizure of a house trailer under a security agreement may be effected. Notwithstanding anything contained in the security agreement, the secured party must give the buyer 30 day's written notice of his or her intention to retake possession of the trailer unless payment is made. Only a Sheriff or someone authorized by a Sheriff can take possession of a house trailer.

The Act limits the right to distress by a mortgagee or vendor of land to the non-exempt personal property of the mortgagor or purchaser.

If there is a tenant on the land, the mortgagee or vendor may keep the rent or the rentable value of the land.

The Act defines the rights of other secured parties and prescribes the method of sale of certain agricultural products.