

DANIELETTE TUCKER, Informant, v. **MIDDLE EAST TRADING CORPORATION**, by and through its General Manager, **ELI HYKAL**, HIS HONOUR **WILLIAM H. KENNEDY**, Debt Court Judge, and **WILLIAM SLOCUM**, Sheriff, of Debt Court, Montserrado County, Respondents.

JUDGMENT WITHOUT OPINION

Decided: June 15, 1979.

At the call of this case, Counsellors Tilman Dunbar and James E. Pierre appeared for informant, and Counsellor M. Fahnbulleh Jones appeared for the respondents. According to information filed in this case, mandate was sent down from this Court on the 7th of February, 1978, for enforcement by the debt court of a judgment in the sum of \$24,014.53, which was the amount sued for and adjudged to be recoverable from the judgment debtor, who is the informant before us.

The bill of costs prepared and taxed by counsel on both sides in the court below was made up of the principal and the clerk of court and sheriff's fees, including the sheriff's collection percentage on the principal, which together amounted to \$27,460.97. This bill of costs was approved by the judge of the debt court for payment by the judgment debtor.

Execution was requested and ordered issued for collection of the total of the bill of costs, but according to the writ of execution annexed to the bill of information and marked exhibit "A," the total amount to be paid in satisfaction of the judgment was \$41,192.46, which is \$13,731.49 in excess of the total amount shown on the face of the bill of costs.

Not only is there no authority for this additional amount, which has been illegally and prejudicially added to the judgment debtor's bill, but her property of lands, goods and chattel were by the writ of execution ordered to be exposed to sale and sold, until the said illegal amount had been raised and paid by the sheriff to the successful plaintiff.

This is an act on part of the officers of the debt court which is not only illegal, but it is also reprehensible. We are not convinced by the argument in support was tenable had the writ of execution been issued for an amount lower than was legally collectable from the judgment debtor. Every writ of execution must order collection of the amount of the judgment plus costs.

Part III of the Civil Procedure Law, Rev. Code 1: 44.21 to 44.48, under *Enforcement of Judgments*, provides how enforcement of judgments by execution shall be effected. No court officer has the legal right to prepare a bill for collection or collect any amount in excess of the amount of the judgment; and if he does, he is answerable for any inconvenience or loss caused to the party against whom the excessive collection is made. It is therefore adjudged that the writ of execution issued in this case should be and the same is hereby vacated and rendered null and void. The Clerk of this Court is ordered to send a mandate down to the Debt Court for Montserrado County, in Monrovia, commanding the judge therein to resume jurisdiction over this case and have the judgment ordered by our mandate of February 1978 satisfied in keeping with the statute providing for the enforcement of judgments by execution, cited and referred to herein above. Costs are disallowed. And it is so ordered.