

titled to take possession thereof, by paying or tendering the amount specified below.

(B) To redeem the goods, the buyer shall:

1. pay or tender the full amount due under the contract or instrument of security;
2. perform or tender performance of any other promise the breach of which gave the secured party the right to repossess the goods; or
3. if the secured party has given notice of his intention to repossess under section 6.101(B), the buyer shall pay in addition, the actual and reasonable costs of repossessing and holding the goods, including attorney's fees as provided in section 6.104(2).

SEC. 6.104. RESALE AND APPLICATION OF PROCEEDS.—After default and repossession of the goods and subject to the provisions of this section and section 8.103, the secured party may sell or otherwise dispose of the goods, the disposition to be carried out in a commercially reasonable manner. The proceeds of any such sale or disposition shall be applied in the following order:

1. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of actual and reasonable expenses incurred in sale of disposition.
2. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of reasonable expenses of repossessing and holding the goods, including reasonable attorney's fees where the attorney is not a salaried employee of the secured party or the seller.
3. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of any reasonable expenses for repairing or preparing the goods for sale, to which the secured party may be entitled.
4. Satisfaction of the balance due under the contract, less finance charges and insurance premiums, if any, allocable to installments due after repossession.
5. Surplus, if any, to the buyer without request.

SEC. 105. RECOVERY OF DEFICIENCY PROHIBITED.—If the proceeds of the sale are not sufficient to cover items (1), (2), (3), and (4) of section 6.104, the secured party may not recover the deficiency from the buyer or from anyone who has succeeded to the rights and obligations of the buyer.

Notwithstanding section 16.544 of the District of Columbia Code, a secured party who elects to bring an action for the unpaid balance under section 6.101(A) may not, pursuant to any judgment obtained therein, have the goods, which were the subject of the retail installment contract, sold on execution or similar proceedings.

SEC. 6.106. If it is established that the secured party is not proceeding in accordance with the provisions of this title VI disposition may be ordered or restrained on appropriate terms and conditions.

TITLE VII—PRIVATE REMEDIES

SEC. 7.101. (A) In the case of failure by any persons to comply with the provisions of parts 3 and 4, and sections 5.104, 5.105, or any of the regulations promulgated by the Council pertaining thereto:

- (1) such person or his assignee shall be barred from recovery of any finance charge or delinquency, collection, extension, or refinance charge, imposed in connection with the retail installment contract or refinancing or extension agreement; and
- (2) for each violation, the buyer shall have the right to recover from such person or any person who acquires such a contract with knowledge of such noncompliance, a sum equal to the amount of any finance charge, imposed by the retail installment contract or refinancing agreement, plus 10 per centum of the principal amount of the debt (item 5 of subsection A of section 3.104).

(B) In the case of failure by any person to comply with the provisions of section 5.103, or any regulations promulgated by the Council pertaining thereto, the buyer shall have the right to recover from such person who acquires a retail installment contract or refinancing or extension agreement with knowledge of such noncompliance, a sum equal to twice the amount of the refund credit to which the buyer is entitled under that section.

(C) Repossession without delivering or sending the notice required by section 6.102 or failure to comply with section 6.103, shall subject the secured party to a