

Sample for Reference Purposes Only. Forms have bilingual format for your convenience, but must be completed and filed with the court in English. 表格样本, 仅供参考. 为了提供便利, 表格采用双语格式, 但向法院提交的表格必须用英语填写。

如果此表单包含限制性信息, 请勾选此框。



DISTRICT COURT OF MARYLAND FOR 马里兰州地区法院

City/County (市/郡)

Located at 地址

Case No. 案件编号

Court Address 法院地址

VS. 诉

Plaintiff/Judgment Creditor 原告/胜诉债权人

Defendant/Judgment Debtor 被告/判决债务人

Firm Name (if applicable) 律所名称(如适用)

Address 地址

Address 地址

City, State, Zip 城市、州、邮政编码

City, State, Zip 市、州、邮政编码

SERVE ON: 送达:

Attorney File Number: 律师文件编号:

Garnishee/Employer 第三债务人/雇主

- Serve by Sheriff/Constable 由警长/治安官送达
Send by Restricted Delivery Mail 通过邮寄给指定人员邮寄送达
Serve by Private Process 由专人送达

Address 地址

City, State, Zip 市、州、邮政编码

REQUEST FOR WRIT OF GARNISHMENT OF PROPERTY OTHER THAN WAGES

下达非工资财产扣押令申请 (Md. Rule 3-645 and 3-645.1) 《马里兰州规则》第 3-645 款和第 3-645.1 款

If this submission contains Restricted Information (confidential by statute, rule, or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission, and check the Restricted Information box on this form.

如果此文书包含限制性信息(根据法规、规则或法令保密), 您必须根据规则第 20-201.1 条(表格 MDJ-008)在提交本文书时随附一份有关限制性信息的声明, 并勾选此表格上的限制性信息框。

Action in: 行动:

- Attachment Before Judgment 判决前附件
A judgment was entered in this case on 本案判决日期为

Month/Day Year 月/日 年

THE AMOUNT NOW DUE on the judgment is as follows: 以下为目前应付判决数额:

\$ Original amount of judgment principal (excluding costs, interest, and attorney's fees)
\$ 原判决本金(不包括法院费用、利息和律师费)
\$ Plus pre-judgment interest, on \$, at the rate of % for the time period from
\$ 另加判决前利息, 金额 \$, 利率 %, 期限从
to 到
Month/Day Year Month/Day Year 月/日 年 月/日 年

\$ Plus court costs due, including this writ
\$ 另加应付法院费用, 包括本令状
\$ Plus additional costs/fees awarded
\$ 另加判定的附加成本/费用

\$ \_\_\_\_\_ Plus post-judgment interest on \$ \_\_\_\_\_, at the contractual rate of \_\_\_\_\_ % for the time period from  
\$ \_\_\_\_\_ 另加判决后利息, 金额 \$ \_\_\_\_\_, 合同规定的利率 \_\_\_\_\_ %, 期限从  
\_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ and/or at the legal rate of  
\_\_\_\_\_, \_\_\_\_\_ 到 \_\_\_\_\_, \_\_\_\_\_ 和/或法定利率  
Month/Day Year Month/Day Year  
月/日 年 月/日 年  
\_\_\_\_\_ % for the time period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ 到 \_\_\_\_\_, \_\_\_\_\_  
Month/Day Year Month/Day Year  
月/日 年 月/日 年

\$ \_\_\_\_\_ Plus attorney's fees awarded by the court

\$ \_\_\_\_\_ 另加法院判定的律师费

\$ \_\_\_\_\_ Less total post-judgment credits

\$ \_\_\_\_\_ 减去判决后已付金额

\$ \_\_\_\_\_ **TOTAL DUE ON JUDGMENT**

\$ \_\_\_\_\_ **基于判决的总应付金额**

Plaintiff requests that a writ of garnishment be directed to the garnishee.

原告请求向第三方债务人下达扣押令。

_____ Date 日期	_____ Signature of Plaintiff/Judgment Creditor or Attorney 原告/胜诉债权人或律师签名	_____ Attorney Number 律师编号
_____ Telephone Number 电话号码	_____ Printed Name 正楷姓名	
_____ Fax 传真	_____ E-mail 电子邮件	_____ Address 地址
		_____ City, State, Zip 市、州、邮政编码

## WRIT OF GARNISHMENT OF PROPERTY OTHER THAN WAGES

### 非工资财产扣押令

(Md. Rule 3-645)

(《马里兰州规则》第 3-645 条)

TO THE GARNISHEE:

致第三方债务人:

You are directed to hold, subject to further proceedings or to termination of this writ, any property of the the defendant/judgment debtor in your possession at the time of service of this writ and all property of the defendant/judgment debtor that may come into your possession after service of this writ, including any debt owed to the defendant/judgment debtor, whether immediately payable or unmatured. Federal and state exemptions may be available to you and to the defendant/judgment debtor.

特此命令您在进一步诉讼程序或本命令终止之前扣押在本命令送达时您所持有的被告/判决债务人的任何财产以及在本命令送达后您可能接收的该被告/判决债务人的所有财产, 包括应当偿还该被告/判决债务人的任何债务, 无论是需要立即支付还是尚未到期的债务。您和被告/判决债务人可能有资格享受联邦和州豁免。

With respect to a writ of garnishment of account in a financial institution, unless a Notice of Right to Garnish Federal Benefits that conforms with 31 C.F.R. § 212.4 and Appendix B to 31 C.F.R. Part 212 is attached, financial institutions are directed: 1) not to hold property of the defendant/judgment debtor that constitutes a protected amount; 2) not to hold property of the defendant/ judgment debtor that may come into the garnishee's possession following service of the writ if the account contains a protected amount; and 3) to comply with other applicable requirements, prohibitions, and limitations of 31 C.F.R. Part 212 (Md. Rule 3-645.1).

对于针对金融机构账户签发的扣押令, 除非已随附符合《联邦法规集》第 31 篇第 212.4 条和附件 B 至《联邦法规集》第 31 篇第 212 部分的《扣押联邦福利权利通知》, 特此命令金融机构: 1) 不得扣押被告/判决债务人构成受保护资产的财产; 2) 不得扣押被告/判决债务人可能在本命令送达后归第三方债务人所有的财产(如果账户中包含受保护资产); 并 3) 遵守《联邦法规集》第 31 篇第 212 部分(《马里兰州规则》第 3-645.1 条)的其他适用要求、禁令和限制。

With respect to a writ of garnishment issued for a deposit account or other account held by a depository institution subject to additional exemptions, the garnishee is to garnish only the amount exceeding the amount exempted without election of the defendant/judgment debtor (Courts and Judicial Proceedings § 11-504)

如果获得额外豁免, 对于针对存款机构持有的存款账户或其他账户签发的扣押令, 在未选择被告/判决债务人的情况下, 第三债务人仅可扣押超过豁免金额的金額(法院和司法程序第 11-504 条)。

You must file an answer to the court within 30 days of service of this writ and forward a copy to both the plaintiff/judgment creditor and the defendant/judgment debtor. Failure to do so may result in a judgment by default being entered against you. The defendant/judgment debtor has the right to contest this garnishment by filing a motion asserting a defense or objection.

您必须在本命令送达后 30 天内向法院提交应答书, 并将副本送交给原告/胜诉债权人和被告/判决债务人。不这样做可能会导致对您作出缺席判决。被告/判决债务人有权通过提出辩护或反对动议对本扣押决定提出异议。

_____ Date 日期	_____ Judge/Clerk 法官/书记官	_____ ID Number 身份证号码
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## NOTICE TO PERSON SERVING WRIT

### 向命令送达人发出的通知

Promptly after service upon the garnishee, the person making service shall mail a copy of the writ to the defendant/judgment debtor's last known address. Proof of service and mailing shall be filed with the court promptly (Md. Rule 3-126).

在命令送达第三方债务人后, 送达人应立即将该命令的副本邮寄至被告/判决债务人的最后已知地址。送达和邮寄证明应立即提交法院(《马里兰州规则》第 3-126 条)。

## NOTICE TO GARNISHEE

### 向第三方债务人发出的通知

The garnishee shall file an answer within 30 days after service of the writ. The answer shall admit or deny that the garnishee is indebted to the defendant/judgment debtor or has possession of property of the defendant/judgment debtor and shall specify the amount and nature of any debt and describe any property. The garnishee may assert any defense that the garnishee may have to the garnishment, as well as any defense that the defendant/judgment debtor could assert. After answering, the garnishee may pay any garnished indebtedness into court and may deliver to the sheriff any garnished property, which shall be treated as if levied upon by the sheriff. A garnishee who has filed an answer admitting indebtedness to the defendant/judgment debtor or possession of property of the defendant/judgment debtor is not required to file an amended answer solely because of an increase in the garnishee's indebtedness to the defendant/judgment debtor or the garnishee's receipt of additional property of the debtor.

第三方债务人应在命令送达后 30 天内向法院提交应答书。应答书必须承认或否认第三方债务人欠被告/判决债务人的债务或持有被告/判决债务人的财产, 并具体说明债务的数额和性质以及描述任何财产。第三方债务人可以就扣押令提出辩护, 亦可提出被告/判决债务人可能提出的任何辩护。提交应答书后, 第三方债务人可向法院支付任何扣押的债务, 并将任何扣押的财产交给警长, 如同警长征收费用的财产。如果第三方债务人已提交应答书, 承认第三方债务人欠被告/判决债务人的债务或持有被告/判决债务人的财产, 则无须仅仅因为第三方债务人被告/判决债务人的债务增加或第三方债务人另收到债务人的财产而提交经修改应答书。

With respect to a writ of garnishment of account in a financial institution, the answer of the institution shall state, if applicable, that a protected amount is in the defendant/judgment debtor's account. The answer need not specify the amount. If the answer states that the property it holds consists only of a protected amount, the institution shall include with the Answer a request for a judgment in favor of the institution/garnishee terminating the garnishment (Md. Rule 3-645.1).

对于针对金融机构账户签发的扣押令, 适当时金融机构的应答书中应当说明在被告/判决债务人的帐户中有受保护资产。应答书不需要提供该资产的数额。如果应答书指出金融机构持有的财产仅仅包括受保护资产, 则该机构必须随附一项请求, 请求法院作出允许该机构/第三方债务人终止执行扣押令的判决(《马里兰州规则》第 3-645.1 条)。

If the garnishee fails to file a timely answer, the plaintiff/judgment creditor may proceed for a judgment by default against the garnishee (Md. Rule 3-509).

如果第三方债务人没有及时提交应答书, 则原告/胜诉债权人可以根据第三方债务人作出缺席判决(《马里兰州规则》第 3-509 条)。

If the garnishee files a timely answer, the matters set forth in the answer shall be treated as established for the purpose of the garnishment proceeding unless the plaintiff/judgment creditor files a reply contesting the answer within 30 days after its filing. **If a timely reply is not filed, the court may enter the judgment upon request of the plaintiff/judgment creditor, the defendant/judgment debtor, or the garnishee.** If a timely reply is filed to the answer of the garnishee, the matter shall proceed as if it were an original action between the plaintiff/judgment creditor as plaintiff and the garnishee as defendant and shall be governed by the rules applicable to civil actions.

如果第三方债务人及时提交应答书, 则应答书中的事项应视为在扣押程序中已经确认的事实, 除非原告/胜诉债权人在该应答书提交后 30 天内提交辩护书, 对应答书中的内容提出争议。**如果没有及时提交辩护书, 法院可应原告/胜诉债权人、被告/判决债务人或第三方债务人请求下达判决书。**如果判决书债权人针对第三方债务人的应答书及时提交辩护书, 则该案件将被视为原始诉讼, 以原告/胜诉债权人为原告, 第三方债务人为被告, 案件的审理将依据适用于民事诉讼的规则。

## NOTICE TO DEFENDANT/JUDGMENT DEBTOR

### GENERAL

### 向被告/判决债务人发出的通知

#### 一般通知

As a result of the judgment entered against you, the bank or other person holding your money or property has been ordered by this court to hold your money or property that does not constitute a protected amount, subject to further order of the court. Your financial institution will automatically protect up to \$500 (Courts and Judicial Proceedings § 11-504). **You have the right to contest this garnishment by filing a motion within 30 days of service of this writ asserting a defense or objection.** If there is no further filing within 120 days after the garnishee's answer is filed, after proper notice to both you and the plaintiff/judgment creditor, the garnishee may file a notice of intent to terminate the writ of garnishment (Md. Rule 3-645).

由于对您的判决, 银行或持有您的资金或财产的其他人已经收到本法院命令, 扣押您的不属于受保护资产的资金或财产, 以听候法院的进一步命令。您的金融机构将自动提供高达 \$500 的保护(法院和司法程序第 11-504 条)。您有权在本命令送达后 30 天内通过提出辩护或反对动议来对此扣押令提出异议。如果第三债务人的回复提交后 120 天内无更多文件提交, 则第三债务人在向您和原告/胜诉债权人下达适当通知后可提交终止扣押令命令的意图通知(《马里兰州规则》第 3-645 条)。

## CONCERNING EXEMPTIONS

### 豁免事项的通知

You may be entitled to claim an exemption of all or part of your money or property, but in order to do so you must file a motion with the court as soon as possible. If you do not file a motion within 30 days of when the garnishee was served, your property may be turned over to the plaintiff/judgment creditor. You may include in your motion a request for a hearing. If you file a motion under Md. Rule 3-643, claiming an exemption, and request a hearing, a hearing shall be held promptly.

您可能有权就您的全部或部分资金或财产提出豁免申请, 但如需这样做, 您必须尽快向法院提出动议。如果您在命令送达第三方债务人后 30 天内未提出动议, 您的财产可能会转交给原告/胜诉债权人。您可以在您的动议中包括举行听证的请求。如果您根据《马里兰州规则》第 3-643 条提出动议, 申请享受豁免, 并要求举行庭审, 法院将立即举行庭审。

With respect to a Writ of Garnishment of account in a financial institution, some federal benefit payments may be automatically protected from garnishment and will not be held in response to the writ of garnishment. Any claim for exemption for a non-protected amount must be filed with the court no later than 30 days after service of the writ of garnishment on the garnishee (Md. Rule 3-645.1).

对于针对金融机构账户签发的扣押令, 某些联邦福利付款可能会自动受到保护, 不会由于扣押令而被扣押。如果希望就任何未受保护的资产申请豁免, 您必须在扣押令送达第三方债务人后 30 天内向法院提出申请(《马里兰州规则》第 3-645.1 条)。

You have the right to claim an exemption of certain kinds of personal property such as: wearing apparel, books, tools, instruments or appliances in an amount not to exceed \$5,000 in value necessary for the practice of any trade or profession except those kept for sale, lease or barter; money payable in the event of sickness, accident, injury or death of any person including compensation for loss of future earnings (however, disability income benefits are not exempt if the judgment is for necessities contracted for after the disability is incurred); professionally prescribed health aids for the defendant/judgment debtor or dependent of the defendant/judgment debtor; defendant/judgment debtor's interest not to exceed \$1,000 in value, in household furnishings, household goods, wearing apparel, appliances, books, animals kept as pets, and other items that are held primarily for the personal, family or household use of the defendant/judgment debtor or any dependent of the defendant/judgment debtor. **In addition, within 30 days after the date of service of the writ of garnishment on the bank or other person holding your money or property, you may elect to exempt a total of \$6,000.** (This exemption does not apply to an Attachment Before Judgment.) (Courts and Judicial Proceedings § 11-504)

您有权申请对某些类别的个人财产免于扣押, 例如: 服装、书籍、工具、仪器或电器, 前提是其价值不超过 \$5,000, 而且是从事本职工作必需的用品, 但不包括用于出售、租赁或以物易物的物品; 因任何人的疾病、意外事故、受伤或死亡而应付的款项, 包括对未来收入损失的赔偿(但是, 如果判决是针对残障发生后签约购买的必需品, 则残障收入补助不能豁免); 专业人员要求被告/判决债务人或被告/判决债务人的受抚养人使用的健康辅助用品; 家具、家居用品、服装、电器、书籍、宠物、以及主要供被告/判决债务人或其受抚养人个人或家庭使用的其他物品中属于债务人产权的、价值不超过 \$1,000 的部分。此外, 在扣押令送达银行或其他持有您的资金或财产的人之后的 30 天内, 您可以选择总额为 \$6,000 的豁免资产。(此项豁免不适用于判决前的扣押令。)(法院和司法程序第 11-504 条)

You may be entitled to claim an exemption under Maryland law of certain money such as Social Security disability benefits; Supplemental Security Income benefits; annuity payments based on retired or retainer pay from the Armed Forces; Civil Service retirement and disability funds; annuities to widows and surviving dependent children of judges; federal worker's compensation; and federal retirement pensions.

您可能有权根据马里兰州法律申请对某些资产免于扣押, 例如社会安全残障福利金; 补充社会安全收入; 退休金或由军队支付的入伍费; 公务员退休和残障基金; 支付给去世法官的配偶和受抚养子女的年金; 联邦雇员薪酬; 以及联邦退休金。

YOU MAY ALSO BE ENTITLED TO PROTECT OTHER MONEY OR PROPERTY NOT MENTIONED ABOVE. 您可能有权申请保护以上未提及的其他资金或财产。

TO PROTECT YOUR RIGHTS FULLY, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.

为了充分保护您的权利, 您本人及时采取行动十分重要。如果您有任何问题, 您应该向律师咨询。