

Mark this box if this form contains Restricted Information.

DRAFT05



DISTRICT COURT OF MARYLAND FOR

Located at _____

Court Address _____

City/County _____

Case No. _____

VS.

Plaintiff/Judgment Creditor _____

Defendant/Judgment Debtor _____

Firm Name (if applicable) _____

Address _____

Address _____

City, State, Zip _____

City, State, Zip _____

Attorney File Number: _____

SERVE ON: _____

Garnishee/Employer _____

Serve by Sheriff/Constable

Send by Restricted Delivery Mail

Serve by Private Process

Address _____

City, State, Zip _____

**REQUEST FOR WRIT OF GARNISHMENT OF PROPERTY OTHER THAN WAGES
(Md. Rule 3-645 and 3-645.1)**

MDEC counties only: 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.

Action in:

Attachment Before Judgment

A judgment was entered in this case on _____, _____, _____ Year

THE AMOUNT NOW DUE on the judgment is as follows:

\$ _____ Original amount of judgment principal (excluding costs, interest, and attorney's fees)

\$ _____ Plus pre-judgment interest on \$ _____, at _____ % for a the time period from _____, _____ Year to _____, _____ Year

\$ _____ Less total credits

\$ _____ Net

\$ _____ Plus pre-judgment interest, on \$ _____, at _____ % for a period from _____, _____ Year to _____, _____ Year

\$ _____ Plus court costs due, including this writ

\$ _____ Plus additional costs/fees awarded

\$ _____ Total court costs, including this writ

\$ _____ Plus post-judgment interest on \$ _____, at the contractual rate of _____ % for a the time period from _____, _____ Year to _____, _____ Year and/or at the legal rate of _____ % for the time period from _____, _____ Year to _____, _____ Year

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

\$ _____ Less total post-judgment credits

\$ _____ **TOTAL DUE ON JUDGMENT**

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

Date _____

Signature of Plaintiff/Judgment Creditor or Attorney _____

Attorney Number _____

Telephone Number _____

Printed Name _____

Fax _____

E-mail _____

Address _____

City, State, Zip _____

**WRIT OF GARNISHMENT OF PROPERTY OTHER THAN WAGES
(Md. Rule 3-645)**

TO THE GARNISHEE:

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.

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).

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).

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.

NOTICE TO PERSON SERVING WRIT

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

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NOTICE TO GARNISHEE

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 **defendant**/judgment debtor.

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).

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).

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.

**NOTICE TO DEFENDANT/JUDGMENT DEBTOR
GENERAL**

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).

CONCERNING EXEMPTIONS

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.

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).

You have the right ~~under the Annotated Code of Maryland~~ 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. ~~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)

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.

YOU MAY ALSO BE ENTITLED TO PROTECT OTHER MONEY OR PROPERTY NOT MENTIONED ABOVE.

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

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