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**By: Prince George's County Delegation**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Landlord and Tenant - Service of Process**3 **PG 300-97**

4 FOR the purpose of providing that in Prince George's County, in an action to repossess  
5 certain premises, service of process on a tenant may be directed to any person  
6 authorized under the Maryland Rules to serve process; and generally relating to  
7 service of process in Prince George's County.

8 BY repealing and reenacting, without amendments,

9 Article - Real Property

10 Section 8-401(a)

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Real Property

15 Section 8-401(b)

16 Annotated Code of Maryland

17 (1996 Replacement Volume and 1996 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Real Property**

21 8-401.

22 (a) Whenever the tenant under any lease of property, express or implied, verbal  
23 or written, shall fail to pay the rent when due and payable, it shall be lawful for the  
24 landlord to have again and repossess the premises so rented.

25 (b) (1) Whenever any landlord shall desire to repossess any premises to which  
26 he is entitled under the provisions of subsection (a) of this section, he or his duly qualified  
27 agent or attorney shall make his written complaint under oath or affirmation, before the  
28 District Court of the county wherein the property is situated, describing in general terms  
29 the property sought to be repossessed, and also setting forth the name of the tenant to  
30 whom the property is rented or his assignee or subtenant with the amount of rent due and

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1 unpaid; and praying by warrant to repossess the premises, together with judgment for the  
2 amount of rent due and costs. The District Court shall issue its summons, directed to any  
3 constable or sheriff of the county entitled to serve process, and ordering him to notify by  
4 first-class mail the tenant, assignee, or subtenant to appear before the District Court at  
5 the trial to be held on the fifth day after the filing of the complaint, to answer the  
6 landlord's complaint to show cause why the prayer of the landlord should not be granted,  
7 and the constable or sheriff shall proceed to serve the summons upon the tenant, assignee  
8 or subtenant in the property or upon his known or authorized agent, but if for any reason,  
9 neither the tenant, assignee or subtenant, nor his agent, can be found, then the constable  
10 or sheriff shall affix an attested copy of the summons conspicuously upon the property.  
11 The affixing of the summons upon the property after due notification to the tenant,  
12 assignee, or subtenant by first-class mail shall conclusively be presumed to be a sufficient  
13 service to all persons to support the entry of a default judgment for possession of the  
14 premises, together with court costs, in favor of the landlord, but it shall not be sufficient  
15 service to support a default judgment in favor of the landlord for the amount of rent due.

16 (2) Notwithstanding the provisions of paragraph (1) of this subsection, in  
17 PRINCE GEORGE'S COUNTY AND Wicomico County, in an action to repossess any  
18 premises under this section, service of process on a tenant may be directed to any person  
19 authorized under the Maryland Rules to serve process.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1997.