

HOUSE BILL 740

D1

71r2161

By: **Delegates Love, Beidle, V. Clagett, Costa, Dwyer, and Sophocleus**

Introduced and read first time: February 8, 2007

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

1 AN ACT concerning

2 **Courts – Service of Process – Fees Collected by Sheriff**

3 FOR the purpose of increasing certain fees for service of process of certain papers by a
4 sheriff; establishing a certain fee for service of a paper originating from a
5 foreign court; repealing certain provisions of law that establish a separate fee
6 schedule for the Sheriff of Cecil County; reducing the amount refunded to the
7 party requesting service if the sheriff is unable to serve certain papers, except
8 summary ejectment papers; providing certain exemptions from a sheriff's fee for
9 service of certain papers; and generally relating to fees collected by a sheriff for
10 service of process.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 7–402
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-402.

2 (a) Except as provided in subsections (b) and ~~(e)~~ **(E)** of this section, a sheriff
3 shall collect the following fees:

4 (1) ~~[\$5] \$10~~ for service of summary ejectment papers.

5 (2) ~~[\$30] \$40~~ for service of a paper not including an execution or
6 attachment.

7 (3) ~~[\$30] \$40~~ for service including an execution or attachment by
8 taking into custody a person or seizing real or personal property.

9 (4) ~~[\$30] \$40~~ for service of process papers arising out of
10 administrative agency proceedings where the party requesting the service is a
11 nongovernmental entity.

12 (5) For the sale following the execution or attachment of personal
13 property: Three percent of the first \$5,000; two percent of the second \$5,000; and one
14 percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15
15 and a maximum of \$500 under the provisions of this paragraph.

16 (6) For the sale following the execution or attachment of real property:
17 One and one-half percent of the first \$5,000; one percent of the second \$5,000; and
18 one-half of one percent of any amount in excess of \$10,000. The sheriff shall collect a
19 minimum of \$1.50 and a maximum of \$250 under the provisions of this paragraph.

20 (7) **\$60 FOR SERVICE OF A PAPER ORIGINATING FROM A FOREIGN**
21 **COURT.**

22 (b) ~~In Cecil County the Sheriff shall collect the following fees:~~

23 ~~(1) \$5 for service of summary ejectment papers.~~

24 ~~(2) \$35 for service of a paper not including an execution or~~
25 ~~attachment.~~

26 ~~(3) \$35 for service including an execution or attachment by taking into~~
27 ~~custody a person or seizing real or personal property.~~

1 ~~(4) \$35 for service of process papers arising out of administrative~~
 2 ~~agency proceedings where the party requesting the service is a nongovernmental~~
 3 ~~entity.~~

4 ~~(5) For the sale following the execution or attachment of personal~~
 5 ~~property: 3 percent of the first \$5,000; 2 percent of the second \$5,000; and 1 percent of~~
 6 ~~any amount in excess of \$10,000. The Sheriff shall collect a minimum of \$15 and a~~
 7 ~~maximum of \$500 under the provisions of this paragraph.~~

8 ~~(6) For the sale following the execution or attachment of real property:~~
 9 ~~1.5 percent of the first \$5,000; 1 percent of the second \$5,000; and one half of 1~~
 10 ~~percent of any amount in excess of \$10,000. The Sheriff shall collect a minimum of~~
 11 ~~\$1.50 and a maximum of \$250 under the provisions of this paragraph.~~

12 ~~(e)~~ (1) For service including an execution or attachment by taking into
 13 custody a person or seizing real or personal property, a sheriff may collect the amount
 14 specified in a cooperative agreement with the Child Support Enforcement
 15 Administration under § 10–111 of the Family Law Article.

16 (2) As part of the costs awarded to a party under § 12–103 of the
 17 Family Law Article, a court may not award an amount greater than the amount
 18 specified in subsection (a) of this section for the cost of service including an execution
 19 or attachment by taking into custody a person or seizing real or personal property.

20 ~~(d)~~ **(C)** (1) If the sheriff incurs expenses for the purpose of conserving
 21 or protecting the seized property, the sheriff shall be reimbursed for the expense.

22 (2) If the Sheriff of Washington County incurs expenses for seizing
 23 property, the Sheriff shall be reimbursed by the judgment debtor for reasonable
 24 expenses.

25 ~~(e)~~ **(D)** **(1) IF EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 26 **SUBSECTION, IF** the sheriff is unable to serve a paper, ~~the full~~ **50% OF THE** fee shall
 27 be refunded to the party requesting the service.

28 **(2) IF THE SHERIFF IS UNABLE TO SERVE SUMMARY EJECTMENT**
 29 **PAPERS, THE FULL FEE SHALL BE REFUNDED TO THE PARTY REQUESTING THE**
 30 **SERVICE.**

31 **(E) A SHERIFF MAY NOT COLLECT A FEE FOR THE SERVICE OF:**

1 **(1) A PAPER FROM A HOUSING AUTHORITY CREATED UNDER**
2 **DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; OR**

3 **(2) A SUMMONS FOR A LAW ENFORCEMENT OFFICER TO APPEAR**
4 **AS A WITNESS IN A CRIMINAL CASE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.