

HOUSE BILL 98

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1999 Regular Session
9lr0161

By: **Chairman, Judiciary Committee (Departmental - Human Resources)**

Introduced and read first time: January 22, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Costs - Sheriffs' Fees**

3 FOR the purpose of authorizing sheriffs to collect certain fees based on certain
4 agreements with the Child Support Enforcement Administration of the
5 Department of Human Resources; providing for the application of this Act; and
6 generally relating to sheriffs' fees.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 7-402
10 Annotated Code of Maryland
11 (1998 Replacement Volume)

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

14 **Article - Courts and Judicial Proceedings**

15 7-402.

16 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
17 section, a sheriff shall collect the following fees:

18 (1) \$5 for service of summary ejection papers.

19 (2) \$30 for service of a paper not including an execution or attachment.

20 (3) \$30 for service including an execution or attachment by taking into
21 custody a person or seizing real or personal property.

22 (4) \$30 for service of process papers arising out of administrative agency
23 proceedings where the party requesting the service is a nongovernmental entity.

24 (5) For the sale following the execution or attachment of personal
25 property: Three percent of the first \$5,000; two percent of the second \$5,000; and one

1 percent of any amount in excess of \$10,000. The sheriff shall collect a minimum of \$15
2 and a maximum of \$500 under the provisions of this paragraph.

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

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

8 (1) \$5 for service of summary ejectment papers.

9 (2) \$35 for service of a paper not including an execution or attachment.

10 (3) \$35 for service including an execution or attachment by taking into
11 custody a person or seizing real or personal property.

12 (4) \$35 for service of process papers arising out of administrative agency
13 proceedings where the party requesting the service is a nongovernmental entity.

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

18 (6) For the sale following the execution or attachment of real property:
19 1.5 percent of the first \$5,000; 1 percent of the second \$5,000; and one-half of 1
20 percent of any amount in excess of \$10,000. The Sheriff shall collect a minimum of
21 \$1.50 and a maximum of \$250 under the provisions of this paragraph.

22 (C) FOR SERVICE INCLUDING AN EXECUTION OR ATTACHMENT BY TAKING
23 INTO CUSTODY A PERSON OR SEIZING REAL OR PERSONAL PROPERTY, A SHERIFF
24 MAY COLLECT THE AMOUNT SPECIFIED IN A COOPERATIVE AGREEMENT WITH THE
25 CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10-111 OF THE FAMILY
26 LAW ARTICLE.

27 [(c)] (D) (1) If the sheriff incurs expenses for the purpose of conserving or
28 protecting the seized property, the sheriff shall be reimbursed for the expense.

29 (2) If the Sheriff of Washington County incurs expenses for seizing
30 property, the Sheriff shall be reimbursed by the judgment debtor for reasonable
31 expenses.

32 [(d)] (E) If the sheriff is unable to serve a paper, the full fee shall be refunded
33 to the party requesting the service.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
35 construed retroactively and shall be applied to and interpreted to affect all fees
36 charged on or after July 1, 1992.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 1999.