

HOUSE BILL 98

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1999 Regular Session  
9lr0161

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

Introduced and read first time: January 22, 1999

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 1999

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CHAPTER \_\_\_\_\_

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; limiting the amount of costs that a court may  
6 award to a party in a certain proceeding; providing for the application of this  
7 Act; and generally relating to sheriffs' fees.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 7-402  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume)

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

15 **Article - Courts and Judicial Proceedings**

16 7-402.

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

19 (1) \$5 for service of summary ejection papers.

20 (2) \$30 for service of a paper not including an execution or attachment.

1 (3) \$30 for service including an execution or attachment by taking into  
2 custody a person or seizing real or personal property.

3 (4) \$30 for service of process papers arising out of administrative agency  
4 proceedings where the party requesting the service is a nongovernmental entity.

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

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

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

14 (1) \$5 for service of summary ejectment papers.

15 (2) \$35 for service of a paper not including an execution or attachment.

16 (3) \$35 for service including an execution or attachment by taking into  
17 custody a person or seizing real or personal property.

18 (4) \$35 for service of process papers arising out of administrative agency  
19 proceedings where the party requesting the service is a nongovernmental entity.

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

24 (6) For the sale following the execution or attachment of real property:  
25 1.5 percent of the first \$5,000; 1 percent of the second \$5,000; and one-half of 1  
26 percent of any amount in excess of \$10,000. The Sheriff shall collect a minimum of  
27 \$1.50 and a maximum of \$250 under the provisions of this paragraph.

28 (C) (1) FOR SERVICE INCLUDING AN EXECUTION OR ATTACHMENT BY  
29 TAKING INTO CUSTODY A PERSON OR SEIZING REAL OR PERSONAL PROPERTY, A  
30 SHERIFF MAY COLLECT THE AMOUNT SPECIFIED IN A COOPERATIVE AGREEMENT  
31 WITH THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10-111 OF THE  
32 FAMILY LAW ARTICLE.

33 (2) AS PART OF THE COSTS AWARDED TO A PARTY UNDER § 12-103 OF  
34 THE FAMILY LAW ARTICLE, A COURT MAY NOT AWARD AN AMOUNT GREATER THAN  
35 THE AMOUNT SPECIFIED IN SUBSECTION (A) OF THIS SECTION FOR THE COST OF  
36 SERVICE INCLUDING AN EXECUTION OR ATTACHMENT BY TAKING INTO CUSTODY A  
37 PERSON OR SEIZING REAL OR PERSONAL PROPERTY.

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

3             (2)     If the Sheriff of Washington County incurs expenses for seizing  
4 property, the Sheriff shall be reimbursed by the judgment debtor for reasonable  
5 expenses.

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

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

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