Unofficial Copy N1 1999 Regular Session 9lr1782

By: Senator Stoltzfus

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

2 Real Property - Repossess Premises - Service of Process in Worcester
County

4 FOR the purpose of exempting Worcester County from provisions of law requiring

- 5 service of process by certain persons in a certain action to repossess premises;
- and generally relating to service of process in Worcester County in an action to
- 7 repossess premises.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Real Property
- 10 Section 8-401(b)
- 11 Annotated Code of Maryland
- 12 (1996 Replacement Volume and 1998 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:

15 Article - Real Property

16 8-401.

- 17 (b) (1) Whenever any landlord shall desire to repossess any premises to
- 18 which he is entitled under the provisions of subsection (a) of this section, he or his
- 19 duly qualified agent or attorney shall make his written complaint under oath or
- 20 affirmation, before the District Court of the county wherein the property is situated,
- 21 describing in general terms the property sought to be repossessed, and also setting
- 22 forth the name of the tenant to whom the property is rented or his assignee or
- 23 subtenant with the amount of rent due and unpaid; and praying by warrant to
- 24 repossess the premises, together with judgment for the amount of rent due and costs.
- 25 The District Court shall issue its summons, directed to any constable or sheriff of the
- 26 county entitled to serve process, and ordering him to notify by first-class mail the
- 27 tenant, assignee, or subtenant to appear before the District Court at the trial to be
- 28 held on the fifth day after the filing of the complaint, to answer the landlord's
- 29 complaint to show cause why the prayer of the landlord should not be granted, and
- 30 the constable or sheriff shall proceed to serve the summons upon the tenant, assignee

- 1 or subtenant in the property or upon his known or authorized agent, but if for any
- 2 reason, neither the tenant, assignee or subtenant, nor his agent, can be found, then
- 3 the constable or sheriff shall affix an attested copy of the summons conspicuously
- 4 upon the property. The affixing of the summons upon the property after due
- 5 notification to the tenant, assignee, or subtenant by first-class mail shall conclusively
- 6 be presumed to be a sufficient service to all persons to support the entry of a default
- 7 judgment for possession of the premises, together with court costs, in favor of the
- 8 landlord, but it shall not be sufficient service to support a default judgment in favor of
- 9 the landlord for the amount of rent due.
- 10 (2) Notwithstanding the provisions of paragraph (1) of this subsection, in
- 11 Wicomico County AND WORCESTER COUNTY, in an action to repossess any premises
- 12 under this section, service of process on a tenant may be directed to any person
- 13 authorized under the Maryland Rules to serve process.
- 14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 15 October 1, 1999.