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By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: March 6, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Wrongful Detainer - Hearing Date Specified in Summons**

3 FOR the purpose of requiring the court, when issuing a summons in a wrongful  
4 detainer action, to set a date for a show cause hearing that is no later than a  
5 certain number of days after the filing of the complaint; and generally relating  
6 to the hearing date specified in a summons in a wrongful detainer action.

7 BY repealing and reenacting, without amendments,  
8 Article - Real Property  
9 Section 8-402.4(a) and (b)  
10 Annotated Code of Maryland  
11 (2003 Replacement Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Real Property  
14 Section 8-402.4(c)  
15 Annotated Code of Maryland  
16 (2003 Replacement Volume and 2005 Supplement)

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

19 **Article - Real Property**

20 8-402.4.

21 (a) In this subtitle, "wrongful detainer" means to hold possession of a property  
22 without the right of possession.

23 (b) A person may not hold possession of property unless the person is entitled  
24 to possession of the property under the law.

25 (c) (1) If a person other than a tenant holding over violates subsection (b) of  
26 this section, a person claiming possession may make complaint in writing to the  
27 District Court of the county in which the property is located.

1                   (2)     On receipt of a complaint under paragraph (1) of this subsection, the  
2 court shall summons immediately the person in possession to:

3                   (i)     [appear] APPEAR before the court on the day specified in the  
4 summons THAT SHALL BE NO LATER THAN THE FIFTH DAY AFTER THE FILING OF  
5 THE COMPLAINT; AND

6                   (II)    [to show] SHOW cause, if any, why restitution of the possession  
7 of the property to the person filing the complaint should not be made.

8                   (3)     If, for any reason, the person in actual possession cannot be found,  
9 the person authorized to serve process by the Maryland Rules shall affix an attested  
10 copy of the summons conspicuously on the property.

11                  (4)     If notice of the summons is sent to the person in possession by first  
12 class mail, the affixing of the summons in accordance with paragraph (3) of this  
13 subsection shall constitute sufficient service to support restitution of possession.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2006.