

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

A BILL ENTITLED

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; and generally relating to fees collected by a sheriff for service of
6 process.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 7–402
10 Annotated Code of Maryland
11 (2006 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 subsections (b) and (c) of this section, a sheriff shall
17 collect the following fees:

18 (1) **[\$5] \$10** for service of summary ejectment papers.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) [~~\$30~~] **\$40** for service of a paper not including an execution or
2 attachment.

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

5 (4) [~~\$30~~] **\$40** for service of process papers arising out of
6 administrative agency proceedings where the party requesting the service is a
7 nongovernmental entity.

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

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

16 **(7) \$60 FOR SERVICE OF A PAPER ORIGINATING FROM A FOREIGN**
17 **COURT.**

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

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

20 (2) \$35 for service of a paper not including an execution or
21 attachment.

22 (3) \$35 for service including an execution or attachment by taking into
23 custody a person or seizing real or personal property.

24 (4) \$35 for service of process papers arising out of administrative
25 agency proceedings where the party requesting the service is a nongovernmental
26 entity.

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

1 (6) For the sale following the execution or attachment of real property:
2 1.5 percent of the first \$5,000; 1 percent of the second \$5,000; and one-half of 1
3 percent of any amount in excess of \$10,000. The Sheriff shall collect a minimum of
4 \$1.50 and a maximum of \$250 under the provisions of this paragraph.

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

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

13 (d) (1) If the sheriff incurs expenses for the purpose of conserving or
14 protecting the seized property, the sheriff shall be reimbursed for the expense.

15 (2) If the Sheriff of Washington County incurs expenses for seizing
16 property, the Sheriff shall be reimbursed by the judgment debtor for reasonable
17 expenses.

18 (e) If the sheriff is unable to serve a paper, the full fee shall be refunded to
19 the party requesting the service.

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