

CHAPTER 431

(House Bill 740)

AN ACT concerning

Courts – Service of Process – Fees Collected by Sheriff

FOR the purpose of increasing certain fees for service of process of certain papers by a sheriff; establishing a certain fee for service of a paper originating from a foreign court; repealing certain provisions of law that establish a separate fee schedule for the Sheriff of Cecil County; reducing the amount refunded to the party requesting service if the sheriff is unable to serve certain papers, except summary ejectment papers; providing certain exemptions from a sheriff's fee for service of certain papers; and generally relating to fees collected by a sheriff for service of process.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 7–402
 Annotated Code of Maryland
 (2006 Replacement Volume)

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

Article – Courts and Judicial Proceedings

7–402.

(a) Except as provided in subsections (b) and ~~(e)~~ **(E)** of this section, a sheriff shall collect the following fees:

- (1) ~~[\$5]~~ **\$10** for service of summary ejectment papers.
- (2) ~~[\$30]~~ **\$40** for service of a paper not including an execution or attachment.
- (3) ~~[\$30]~~ **\$40** for service including an execution or attachment by taking into custody a person or seizing real or personal property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e)~~ **(D)** **(1) ~~IF~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF** the sheriff is unable to serve a paper, ~~the full~~ **50% OF THE** fee shall be refunded to the party requesting the service.

(2) IF THE SHERIFF IS UNABLE TO SERVE SUMMARY EJECTMENT PAPERS, THE FULL FEE SHALL BE REFUNDED TO THE PARTY REQUESTING THE SERVICE.

(E) A SHERIFF MAY NOT COLLECT A FEE FOR THE SERVICE OF:

(1) A PAPER FROM A HOUSING AUTHORITY CREATED UNDER DIVISION II OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; OR

(2) A SUMMONS FOR A LAW ENFORCEMENT OFFICER TO APPEAR AS A WITNESS IN A CRIMINAL CASE.

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

Approved by the Governor, May 8, 2007.