

HOUSE BILL 483

D3

11r1520

By: **Delegates Norman, Cardin, Eckardt, James, Kipke, McComas, McConkey, Niemann, Otto, Rosenberg, Smigiel, Tarrant, and Waldstreicher**
Introduced and read first time: February 7, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Discovery – Examination in Aid of Enforcement of Money Judgment**

3 FOR the purpose of authorizing a judgment creditor to obtain discovery in aid of
4 enforcement of a money judgment entered or recorded in a circuit court or in the
5 District Court by use of a court ordered examination of certain persons under
6 oath before a judge or examiner; establishing certain timing, notice, and
7 procedural requirements for court ordered examinations in aid of enforcement of
8 a money judgment; and generally relating to an examination in aid of
9 enforcement of a money judgment entered or recorded in a circuit court or in the
10 District Court.

11 BY adding to

12 Article – Courts and Judicial Proceedings
13 Section 11–404
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2010 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **11–404.**

20 **(A) THIS SECTION APPLIES TO AN EXAMINATION IN AID OF**
21 **ENFORCEMENT OF A MONEY JUDGMENT ENTERED OR RECORDED IN A CIRCUIT**
22 **COURT OR IN THE DISTRICT COURT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) ON REQUEST OF A JUDGMENT CREDITOR, FILED NO EARLIER**
2 **THAN 30 DAYS AFTER ENTRY OF A MONEY JUDGMENT, THE COURT WHERE THE**
3 **JUDGMENT WAS ENTERED OR RECORDED MAY ISSUE AN ORDER REQUIRING THE**
4 **APPEARANCE FOR EXAMINATION UNDER OATH BEFORE A JUDGE OR EXAMINER**
5 **OF:**

6 **(I) THE JUDGMENT DEBTOR; OR**

7 **(II) ANY OTHER PERSON IF THE COURT IS SATISFIED BY**
8 **AFFIDAVIT OR OTHER PROOF THAT IT IS PROBABLE THAT THE PERSON HAS**
9 **PROPERTY OF THE JUDGMENT DEBTOR, IS INDEBTED FOR A SUM CERTAIN TO**
10 **THE JUDGMENT DEBTOR, OR HAS KNOWLEDGE OF ANY CONCEALMENT,**
11 **FRAUDULENT TRANSFER, OR WITHHOLDING OF ANY ASSETS BELONGING TO THE**
12 **JUDGMENT DEBTOR.**

13 **(2) THE ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION**
14 **SHALL:**

15 **(I) SPECIFY WHEN, WHERE, AND BEFORE WHOM THE**
16 **EXAMINATION WILL BE HELD AND THAT FAILURE TO APPEAR MAY RESULT IN**
17 **THE PERSON SERVED BEING HELD IN CONTEMPT; AND**

18 **(II) BE SERVED ON THE JUDGMENT DEBTOR OR OTHER**
19 **PERSON IN THE MANNER PROVIDED UNDER THE MARYLAND RULES.**

20 **(3) WITH THE EXCEPTION OF THE JUDGMENT DEBTOR, THE**
21 **JUDGE OR EXAMINER MAY SEQUESTER PERSONS TO BE EXAMINED.**

22 **(4) UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD**
23 **CAUSE SHOWN, A JUDGMENT CREDITOR MAY NOT EXAMINE THE JUDGMENT**
24 **DEBTOR OR OTHER PERSON UNDER THIS SUBSECTION MORE THAN ONCE A**
25 **YEAR.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2011.