

MARYLAND BAR EXAMINATION
BOARD'S WRITTEN TEST

February 26, 2008

EXTRACT for QUESTION 4

THIS EXTRACT IS TO BE USED FOR QUESTION 4 OF THE BOARD'S WRITTEN TEST. THIS EXTRACT CONTAINS SELECTED PROVISIONS OF THE THE ANNOTATED CODE OF MARYLAND, COURTS AND JUDICIAL PROCEEDINGS ARTICLE, TITLE 6. PERSONAL JURISDICTION, VENUE, PROCESS AND PRACTICE; AND TITLE 11. JUDGMENTS; AND THE MARYLAND RULES, TITLE 2. CIVIL PROCEDURE - CIRCUIT COURT.

Note: Asterisks (**) indicate places where material contained in the Annotated Code has been omitted from this extract.**

ANNOTATED CODE OF MARYLAND
COURTS AND JUDICIAL PROCEEDINGS ARTICLE

TITLE 6. PERSONAL JURISDICTION, VENUE, PROCESS AND PRACTICE

Subtitle 1. Bases of Personal Jurisdiction

§ 6-103. Conduct in State; tortious injury.

(a) If jurisdiction over a person is based solely upon this section, he may be sued only on a cause of action arising from any act enumerated in this section.

(b) A court may exercise personal jurisdiction over a person, who directly or by an agent:

(4) Causes tortious injury in the State or outside of the State by an act or omission outside the State if he regularly does or solicits business, engages in any other persistent course of conduct in the State or derives substantial revenue from goods, food, services, or manufactured products used or consumed in the State

TITLE 11. JUDGMENT

SUBTITLE 8. UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

§ 11-801. Definitions.

In this subtitle, "foreign judgment" means a judgment, decree, or order of a court of the United States or of any other court that is entitled to full faith and credit in this State.

§ 11-802. Filing of judgment.

(a) [A] copy of any foreign judgment . . . may be filed in the office of the clerk of a circuit court.

(2) The clerk shall treat the foreign judgment in the same manner as a judgment of the court in which the foreign judgment is filed.

* * * *

(b) A filed foreign judgment has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, staying, enforcing, or satisfying as a judgment of the court in which it is filed.

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§ 11-804. Staying enforcement of foreign judgment.

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(b) If the judgment debtor shows the court any ground on which enforcement of a judgment of the court of this State would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period

ANNOTATED CODE OF MARYLAND

MARYLAND RULES

TITLE 2. CIVIL PROCEDURE – CIRCUIT COURT

CHAPTER 1. COMMENCEMENT OF ACTION AND PROCESS

RULE 2-121. PROCESS – SERVICE – IN PERSONAM

(a) *Generally.* Service of process may be made within this State or, when authorized by the law of this State, outside of this State (1) by delivering to the person to be served a copy of the summons, complaint, and all other papers filed with it; (2) if the person to be served is an individual, by leaving a copy of the summons, complaint, and all other papers filed with it at the individual's dwelling house or usual place of abode with a resident of suitable age and discretion; or (3) by mailing to the person to be served a copy of the summons, complaint, and all other papers filed with it by certified mail requesting: "Restricted Delivery – show to whom, date, address of delivery." Service by certified mail under this Rule is complete upon delivery. Service outside of the State may also be made in the manner prescribed by the court or prescribed by the foreign jurisdiction if reasonably calculated to give actual notice.

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RULE 2-126. PROCESS – RETURN

(a) Service by Delivery or Mail. An individual making service of process by delivery or mailing shall file proof of the service with the court promptly and in any event within the time during which the person served must respond to the process.

(1) If service is by delivery, the proof shall set forth the name of the person served, the date, and the particular place and manner of service. If service is made under Rule 2-121(a)(2), the proof also shall set forth a description of the individual served and the facts upon which the individual making service concluded that the individual served is of suitable age and discretion. . . .

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CHAPTER 5. TRIAL.

RULE 2-535. REVISORY POWER

(a) Generally. On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534. A motion filed after the announcement or signing by the trial court of a judgment or the return of a verdict but before entry of the judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.

(b) Fraud, Mistake, Irregularity. On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity.

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CHAPTER 6. JUDGMENT.

RULE 2-623. RECORDING OF JUDGMENT OF ANOTHER COURT

(a) Judgment of Another Court. Upon receiving a copy of a judgment of another court, . . . the clerk shall record and index the judgment. . . .

(END OF EXTRACT)

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EXTRACT for QUESTION 9

THIS EXTRACT IS TO BE USED FOR QUESTION 9. THIS EXTRACT CONTAINS SELECTED PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY ARTICLE, TITLE 4. REQUISITES OF VALID INSTRUMENTS; AND TITLE 7. MORTGAGES, DEEDS OF TRUST, AND VENDOR'S LIENS; AND THE MARYLAND RULES, TITLE 2. CIVIL PROCEDURE - CIRCUIT COURT.

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ANNOTATED CODE OF MARYLAND

REAL PROPERTY ARTICLE

TITLE 4. REQUISITES OF VALID INSTRUMENTS

SUBTITLE 1. GENERAL RULES

§ 4-101. Sufficiency of deeds.

(a)(1) Any deed containing the names of the grantor and grantee, a description of the property sufficient to identify it with reasonable certainty; and the interest or estate intended to be granted, is sufficient, if executed, acknowledged, and, where required, recorded.

§ 4-109. Grants which are defective.

(b) If an instrument is recorded on or after January 1, 1973, whether or not the instrument is executed on or after that date, any failure to comply with the formal requisites listed in this section has no effect unless it is challenged in a judicial proceeding commenced within six months after it is recorded.

(c) For the purposes of this section, the failures in the formal requisites of an instrument are:

- (1) A defective acknowledgment;
- (2) A failure to attach any clerk's certificate;
- (3) An omission of a notary seal or other seal;

TITLE 7. MORTGAGES, DEEDS OF TRUST, AND VENDOR'S LIENS

SUBTITLE 1. MORTGAGES AND DEEDS OF TRUST

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§ 7-104. Deed of trust; priority.

If property is sold and granted, and as part of the same transaction the purchaser gives a mortgage or deed of trust to secure total or partial payment of the purchase money, the mortgage or deed of trust shall be preferred to any previous judgment or decree for the payment of money which is obtained against the purchaser if it recites that the sum received is all or part of the purchase money of the property or otherwise recites that it is a purchase money mortgage or deed of trust. This section is applicable regardless of whether the mortgage or deed of trust is given to the vendor of the property or to a third party who advances all or part of the purchase money.

ANNOTATED CODE OF MARYLAND

MARYLAND RULES

TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT

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CHAPTER 600. JUDGMENT²

RULE 2-621. LIEN OF MONEY JUDGMENT.

(a) County of Entry. Except as otherwise provided by law, a money judgment that is recorded and indexed in the county of entry constitutes a lien from the date of entry in the amount of the judgment and post-judgment interest on the defendant's interest in land located in that county.

END OF EXTRACT

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