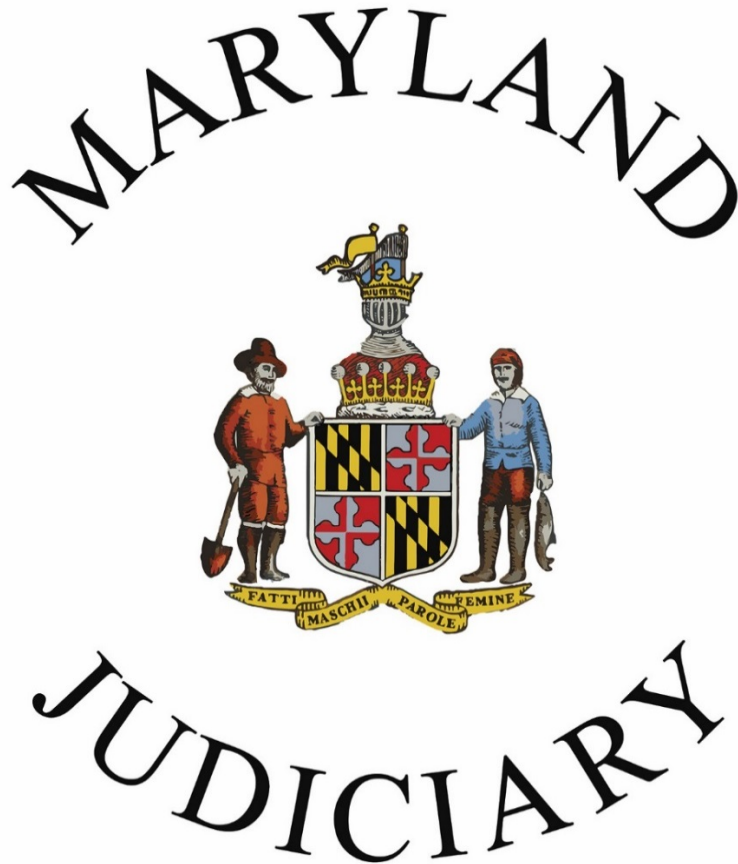


# The District Court for Harford County, Maryland



## Civil Differentiated Case Management (DCM) Plan



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## Civil Large Claim Cases

Civil large claim cases may be filed in the District Court or circuit court. If a plaintiff wishes to file in circuit court, he or she should be referred to their local circuit court's case management plan. The criteria for filing a civil large claim case in District Court include the following:

- ✓ The claim is for \$30,000\* or less, and greater than \$5,000; and
- ✓ The claim may involve money or property.

\* Exception: District Court has exclusive jurisdiction for replevin cases. There is no limit on the claim amount.

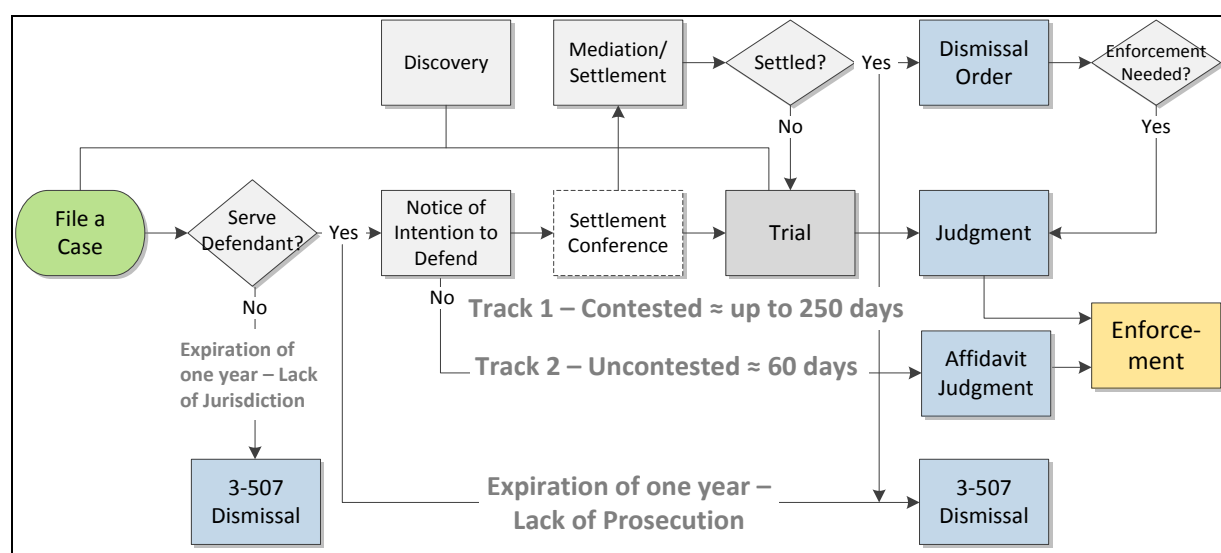
Note that formal rules of procedure and of evidence apply in civil large claim cases. Either side may demand a jury trial in cases with claims greater than \$15,000 (Courts and Judicial Proceedings Article § 4-402(e)). If a jury trial is requested, the case must be heard in circuit court. A jury trial may be requested by the plaintiff at the time of filing the complaint. A defendant may request a jury trial within ten days after the time for filing a notice of intention to defend. Md. Rule 3-325(a).

The types of large claim cases which can be filed using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106)

- a) *Contract* cases involve non-payment for money owed to you under a contract.
- b) *Tort* cases involve a harm that has been done to you and that has resulted in monetary damages, such as someone damaging your car.
- c) *Replevin* cases seek the return of property, along with possible damages.
- d) *Detinue* cases seek the return of property or its value, along with possible damages.
- e) *Bad faith insurance* claims seek, in addition to actual damages, the expenses, litigation costs and interest from a first party insurance claim that was not processed in good faith. (Applies to actions under Courts and Judicial Proceedings Article § 3-1701.)

## How much time a case should take to get resolved

A civil large claim case may follow two potential tracks to resolution – contested and uncontested. A third track includes other large civil judgment cases where judgment is entered immediately upon filing with service occurring after. The diagram below illustrates tracks 1 and 2. Note that the times indicated are estimated to the date of judgment or order. A case may be shorter or longer than the expected times. The District Court of Maryland has a goal of either resolving or reaching judgment on most civil large claim cases within 250 days.



## Track 1 – Contested Cases

### File a Case

The following steps are required to file a case:

- (a) **File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the Court and one copy for each defendant. In the form, it is critical to name the correct defendant. One of the most challenging parts of filing a claim is to make sure to sue the right person. See the [Small Claims Brochure](#) (DC-CV-001BR) for detailed instructions about how to

name defendants who are individuals, companies, or the agent of a company.

(b) **Pay the filing fee and service fee, if applicable.** Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. The check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the Court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

(c) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons to officially notify the defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by the plaintiff. The following documents must be delivered to the defendant: original complaint and writ of summons. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

**Time** – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

- (d) **Proof of service.** If the court does not receive proof of service within the time allotted for the defendant to file an intention to defend, the plaintiff may not be able to present their case on the trial date.

Replevin and detinue cases are treated as contested cases even if the “Affidavit in Support of Judgment” section is signed on the complaint form.

### **Counter Claims (Md. Rule 3-331)**

A counter claim is filed by a defendant against the plaintiff using the [Complaint Form](#) (DC-CV-001). A party may file a counterclaim within ten days after the time for filing a notice of intention to defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the complaint can be served via first-class mail. A certificate of service must be submitted with the counter claim filing.

### **Cross Claims (Md. Rule 3-331)**

A cross claim is filed between two defendants (or between two plaintiffs) in the same case using the [Complaint Form](#) (DC-CV-001). A party may file a cross claim within ten days after the time for filing a notice of intention to defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

### **Third Party Claims (Md. Rule 3-332)**

A third party claim is filed by the defendant in a case against a person not previously a party to the case using the [Complaint Form](#) (DC-CV-001). A party may file a third party claim no later than ten days before the scheduled trial date. Within ten days of the scheduled trial date or after the trial has commenced, a defendant may file a third party claim only with the consent of the plaintiff or by order of court. The third party plaintiff is

required to attempt to notify the third party defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons and copies of the complaint and all pleadings filed to date to officially notify the third party defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the third party defendant. After the time limit has expired, the summons is no longer valid, unless renewed by the third party plaintiff.

A filing fee is required and depending on the method of service, a service fee may be required. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

### **Interpleader (Md. Rule 3-221)**

An action for interpleader may be filed against two or more claimants who claim to be entitled to the property. The plaintiff may deny liability in whole or in part to any or all defendants. A defendant may obtain an interpleader by way of counterclaim or cross-claim. An action for interpleader is filed by motion which shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed. A trial date will be set after the parties have been served and have had time to respond to the complaint.

A filing fee is required and depending on the method of service, a service fee may be required. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

### **Intervenor (Md. Rule 3-214)**

A person shall be permitted to intervene when that person claims an interest relating to the property or transaction that is the subject of the action. The federal, state or local subdivision of the State may move the court to be permitted to intervene in an action when

the validity of a constitutional or other legal ground is called into question in the action. An action for intervenor is filed by motion which states the grounds for the request to intervene and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed and a trial date set.

There is no District Court filing fee and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

### **Military Service Affidavit**

To be entitled to an affidavit judgment or to a default judgment, federal law requires a plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment, this affidavit must be completed. The most commonly accepted documentation is the form available at [https://scra.dmdc.osd.mil/single\\_record.xhtml](https://scra.dmdc.osd.mil/single_record.xhtml). This website search requires the social security number of the defendant. If a judge finds that the affidavit lacks sufficient facts to determine whether any defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Service Members Civil Relief Act and the required affidavit can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false military service affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

### **Notice of Intention to Defend**

The defendant may choose to contest a complaint filed against him or her in District Court, after he or she has received a writ of summons, by filing a notice of intention to defend. These cases are considered by the court to be contested, and the case shall proceed to the scheduled trial date or the existing court date may be changed to allow time for a trial.



If the defendant files a notice of intention to defend, the court will notify the plaintiff. The notice of intention to defend includes space for the defendant to explain why he or she should not be required to pay the plaintiff the money the plaintiff claims he or she is owed. If the defendant chooses to list a reason, the notice the plaintiff receives from the court will include that reason. The plaintiff should take note of the defendant's claim and be prepared to explain to the judge why the defendant's argument is not valid.

Even if the defendant does not file the notice of intention to defend, the plaintiff may still be required to come to court for a trial or other hearing.

**Time** – a defendant living in Maryland has 15 days, and a defendant outside Maryland (also a resident agent and the United States or an office of an agency of the United States) has 60 days to file a notice of intention to defend, following the date of proof of service (Md. Rule 3-307). Even if a notice of intention to defend is not timely filed, it is still accepted and entered into the file. The judges will also accept a notice of intention to defend in the courtroom on the trial date and the case may be continued to allow both parties time to prepare for a trial.

## Alternative Dispute Resolution

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court, if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

(a) **Settlement.** Two parties may settle a case at any time leading up to the trial date.

When a case has been settled the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.

(b) **Settlement Conference.** If a notice of intention to defend has been filed in a tort case, or if the case is very complicated or has multiple attorneys, the judge may ask for a pre-trial conference. A settlement conference will not be in front of the judge

assigned at trial.

- (c) **Mediation.** Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to child abuse, imminent threats of harm to a person, or allegations of duress or fraud. Any discussions, and if all parties choose, even some agreements reached can be kept confidential. Mediators are also available in court on Fridays at 9:00 a.m. An agreement following mediation can result in the dismissal of the case or in a consent judgment. An agreement is not enforceable following dismissal of a case, and the plaintiff may be required to file an affidavit for judgment, if he or she is unable to enforce an agreement.

### **Harford County District Court Day of Trial ADR Program**

The Harford County day of trial ADR Program operates during the civil docket every Friday morning at 8:30 a.m. Harford County's ADR practitioner roster contains primarily mediators, but also includes a few settlement conference attorneys. The mediators include representatives of the Harford County Community Mediation Program (HCCMP) who cover the fourth Friday of each month. Only one ADR practitioner (or co-mediation pair) is scheduled per docket. Litigants are offered the process (mediation or settlement conference) the morning's practitioner is trained to provide.

The District Court ADR Office does not regularly schedule practitioners to staff the 1:30 p.m. civil docket. If the Regional ADR Programs Director screens the docket and determines there are enough cases to warrant a volunteer, she will attempt to recruit a practitioner, primarily from HCCMP. Additionally, should a party or a judge contact the ADR Office in advance of a trial date to request ADR services for a particular case, the ADR Office can, with adequate notice, schedule an ADR practitioner for the p.m. docket. *(This is a rare occurrence. In 2015, there were only three afternoon dockets covered by an ADR practitioner.)*

## **Harford County District Court Pre-Trial Mediation Program**

The District Court of Maryland ADR Office Regional ADR Programs Director for Baltimore City and Harford County refers cases to the Harford County Community Mediation Program (HCCMP) to attempt to schedule and conduct pretrial mediation sessions. The program director screens both the 8:30 a.m. and 1:30 p.m. civil dockets six weeks in advance of the scheduled trial date and reviews the contested cases to determine which cases might be appropriate for mediation. As only cases appearing as contested in the District Court electronic case management system are considered for case screening, this excludes all landlord tenant matters from being offered the opportunity to mediate prior to the trial date. In addition, some cases may be identified during the screening as “Not Appropriate” for mediation.

Cases are referred by the program director on a weekly basis to HCCMP. The program director mails an introductory letter and invitation to participate, then HCCMP attempts to contact participants by phone. During these phone conversations, HCCMP provides information about mediation, offers to schedule a pretrial mediation, then reports back to the program director on the outcome of their efforts. At times, parties may refuse pretrial mediation but agree to participate in day of trial ADR.

Parties that do not agree to participate in pretrial mediation are heard on their scheduled trial date. Parties that participate, but do not reach an agreement, are also heard on their trial date. If parties reach an agreement through pretrial mediation, the agreement is hand-delivered by HCCMP or the parties to the civil clerk’s counter to be processed. Cases reaching agreement are removed from the docket, and parties are mailed a notice by the courts regarding the case disposition.

### **Trial**

At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim.

**Time** – The trial date shall be set within no less than 60 days after the complaint is filed for

in-state defendants, and within no less than 90 days after the complaint is filed for out-of-state defendants (Md. Rule 3-102).

Replevin cases: Two trials are scheduled for replevin cases: 1) The show cause hearing, to determine temporary possession of the property, is scheduled at least 21 days after the case filing date; and 2) The trial, to determine final possession, is scheduled per Md. Rule 3-102.

### **Judgment**

The judgment is entered by the clerk following a trial, usually the same day. The date of the judgment is the date the clerk enters the judgment on the electronic case management system docket (Md. Rule 3-601(e)). Judgment can be made after trial or by consent or confession. An affidavit or default judgment may be entered if the defendant does not appear.

### **Post-Judgment**

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534); and 30 days to file an appeal (Md. Rule 7-104). An appeal from a large claim case will not result in a new trial, but will be on the record.

### **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by first-class mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before he or she can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

1. Garnishing the other person's wages;
2. Garnishing the other person's bank account; and
3. Seizing the other person's personal property or real estate.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

## Track 2 – Uncontested Cases (Affidavit Judgment)

The possible conditions that define uncontested cases are the following:

- ✓ No notice of intention to defend within time limits allowed by law; and
- ✓ Affidavit in support of judgment signed by the plaintiff; and
- ✓ Affidavit judgment in favor of the plaintiff by the court.

### File a Case

The following steps are required to file a case:

- a) **File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the court and one copy for each defendant.
- b) **Pay the filing fee and service fee, if applicable**. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. The check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- 2) Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

- c) **Notify the other party (defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons to officially notify the defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by the plaintiff. The following documents must be delivered to the defendant: original complaint and writ of summons. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County only); and 4) sheriff.

**Time** – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

- d) **Proof of Service.** If the court does not receive proof of service within the time allotted for the defendant to file an intention to defend, the plaintiff may not be able to present their case on the trial date.

### **Military Service Affidavit**

To be entitled to an affidavit judgment or to a default judgment, federal law requires a plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment this affidavit must be completed. The most commonly accepted documentation is the form available at [https://scra.dmdc.osd.mil/single\\_record.xhtml](https://scra.dmdc.osd.mil/single_record.xhtml). This website search requires the social security number of the defendant. If a judge finds that the affidavit lacks sufficient facts to determine whether any defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Service members Civil Relief Act and the required affidavit can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false military service affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

### **Notice of Intention to Defend**

The primary determinant of an uncontested case is the lack of the filing of a notice of intention to defend.

### **Affidavit in Support of Judgment**

The plaintiff may choose to fill out section four, application and affidavit in support of judgment, on the original [Complaint Form](#) (DC-CV-001), in order to be eligible for an affidavit judgment. Affidavit judgments are a type of default judgment issued by a judge without trial. They may be issued against a defendant who does not file a notice of intention to defend, but who has been served a writ of summons. These are considered uncontested cases. Note that the form requires additional procedures related to compliance with the Service members Civil Relief Act, when the defendant may be a service member.

On cases with a plaintiff who does not fill out Section Four, the court does not automatically issue an affidavit judgment. The court may choose to hold a hearing on the trial date and to proceed to a judgment.

Replevin and detinue cases are treated as contested cases even if the “Affidavit in Support of Judgment” section is signed on the complaint form.

### **Judgment**

The affidavit judgment is entered by the clerk following the court date and entry of judgment by a judge, usually the same day. The date of the judgment is the date the clerk enters the judgment into the electronic case management system (Md. Rule 3-601(e)).

### **Post-Judgment**

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534); and 30 days to file an appeal (Md. Rule 7-104). An appeal from a large claim case will not result in a new trial, but will be on the record.

### **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before he or she can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

- a) Garnishing the other person’s wages;
- b) Garnishing the other person’s bank account; and



- c) Seizing the other person's personal property or real estate.

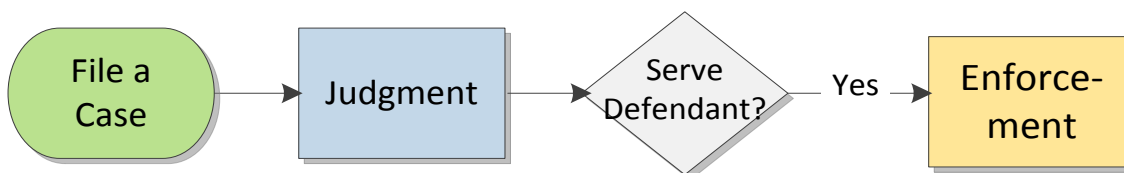
The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

### Track 3 – Other Large Civil Judgment Cases

The possible conditions that define other large civil judgment cases are the following:

- a) The claim is for \$30,000\* or less, and greater than \$5,000; and
- b) Judgment is entered immediately upon filing with service occurring after; and
- c) The case does not require a trial.

\*Exception: Bond forfeiture and restitution judgments can be for amounts greater than \$30,000.



### Bond Forfeiture Judgments (Md. Rule 4-217)

If a defendant fails to appear as required, the court shall order forfeiture of the bail bond and issuance of a warrant for the defendant's arrest and may set a new bond in the action. The clerk shall promptly notify any surety on the defendant's original bond, and the State's Attorney, of the forfeiture of that bond and the issuance of the warrant.

Within 90 days from the date the defendant fails to appear, which the court may extend to 180 days upon good cause shown, a surety shall satisfy any order of forfeiture, either by

producing the defendant in court or by paying the penalty sum of the bond. If the defendant is produced within such time by the State, the court shall require the surety to pay the expenses of the state in producing the defendant and shall treat the order of forfeiture satisfied with respect to the remainder of the penalty sum.

If an order of forfeiture has not been stricken or satisfied within 90 days after the defendant's failure to appear, or within 180 days if the time has been extended, the clerk shall forthwith:

- a) enter the order of forfeiture as a judgment in favor of the governmental entity that is entitled by statute to receive the forfeiture and against the defendant and surety, if any, for the amount of the penalty sum of the bail bond, with interest from the date of forfeiture and costs including any costs of recording, less any amount that may have been deposited as collateral security; and
- b) cause the judgment to be recorded and indexed among the civil judgment records of the circuit court of the county; and
- c) prepare, attest, and deliver or forward to any bail bond commissioner appointed pursuant to Rule 16-805, to the State's Attorney, to the Chief Clerk of the District Court, and to the surety, if any, a true copy of the docket entries in the cause, showing the entry and recording of the judgment against the defendant and surety, if any.

The criminal, traffic or civil case file is forwarded to the civil department where a civil case is created and a bond forfeiture judgment is entered against the defendant and surety, if any.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court. There is no circuit court filing fee in Harford County.

The defendant and surety, if any, will receive a notice via first-class mail that a bond

forfeiture judgment was entered.

A copy of the case docket entries is mailed to the Harford County State's Attorney's Office, District Court and surety, if any.

Enforcement of the judgment shall be by the State's Attorney in accordance with those provisions of the rules relating to the enforcement of judgments.

### **Confessed Judgments (Md. Rule 3-611)**

A confessed judgment is an action seeking final judgment based upon a person agreeing, in advance, to the entry of judgment against them upon the occurrence or non-occurrence of an event, such as making a payment.

The instrument does not evidence or arise from a consumer loan as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-311(b).

The instrument does not evidence or arise from a consumer transaction as to which a confessed judgment clause is prohibited by Commercial Law Article § 13-301.

The instrument is not subject to the Maryland Retail Installment Sales Act as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-607.

The following steps are required to file a case:

- a) File a complaint, using the [Complaint and Affidavit for Judgment by Confession](#) (DC-CV-104) form with the court.
- b) File the original or a copy of the written instrument authorizing the confession of judgment for a liquidated amount;
- c) Pay the filing fee and service fee, if applicable. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person,

payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. The check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - 2) Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- d) Notify the other party (Defendant). The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue the Complaint to officially notify the defendant that a suit has been filed. There is no time limit for service of the Complaint to the defendant. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County only); and 4) sheriff.
- e) Proof of service. If the court does not receive proof of service the judgment cannot be enforced.

### **Foreign Judgments (Courts and Judicial Proceedings Article § 11-801 to 11-807)**

A foreign judgment is 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. A foreign judgment is not open to post-judgment revisions. Motions to revise must be filed in the original court.

The following steps are required to file a case:

- a) File a complaint, using the [Request to File Foreign Judgment](#) (DC-CV-15) form with the court. Addresses for both parties shall be listed on the complaint. You must use the carbonless multi-part form available at all District Court locations. Please print

or type clearly and make sure all copies are legible. Non-money judgments shall be referred to a judge before execution.

- b) File a copy of the foreign judgment which has been tripled sealed (certified under act of Congress);
- c) Pay the filing fee and service fee, if applicable. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - 2) Representation by a civil legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- d) Notify the other party (defendant). The clerk will mail a copy of the foreign judgment to the defendant via first-class mail, however, the plaintiff may request service by certified mail or sheriff/constable.

### **Restitution Judgments (Criminal Procedures § 11-610 and 11-611)**

Restitution means that the person who committed the crime must repay the victim, the state government, an insurance company or another person that has compensated the victim, for injuries and property loss or damage.

Restitution judgments are entered a result of the following:

- a) The defendant fails to pay restitution as ordered in a criminal or traffic case and the judge orders a civil judgment; or
- b) The victim requests a civil judgment in writing after the defendant fails to pay restitution as ordered in a criminal or traffic case.

The criminal or traffic case file is forwarded to the civil department where a civil case is created and a restitution judgment entered.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court of any other county as the Maryland Rules provide. There is no circuit court filing fee in Harford County.

The defendant will receive a notice via first-class mail that a restitution judgment was entered.

### **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10\* days (Md. Rule 3-632) before he or she can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

- a) Garnishing the other person's wages;
- b) Garnishing the other person's bank account; and
- c) Seizing the other person's personal property or real estate.

\* Exception: Restitution Judgments are not enforceable until after 30 days.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

The following topics apply to all civil large tracks.

### **Personal Identifiers**

It is the responsibility of the filer to redact personal identifiers, prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The filer does not have to be a party to a case, and may include federal courts, military personnel, or relatives to a party in a case.

Per Md. Rule 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- a) an individual's social security number, taxpayer identification number; or
- b) the numeric or alphabetic characters of a financial or medical account identifier."

The rule also states that unless otherwise provided by law or court order, this rule does not apply to the following:

- a) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b) the record of an administrative agency proceeding.

## **Discovery**

Interrogatories (Md. Rule 3-421) are written questions directed to an opposing party to aid in the discovery of information important to the case. Interrogatories may be filed if the claim exceeds \$5,000. There are three types of information that can be discovered through interrogatories:

- a) Type of evidence the opposing party plans to use at trial;
- b) Types of records, notes and correspondence the opposing party has; and
- c) Identify the claims the opposing party will present.

The plaintiff may not ask questions about the defendant's assets until after a judgment has been entered.

The actual questions do not need to be filed with the court. Up to 15 questions are allowed and must be relevant to the case. The opposing party has 15 days from the date of service to file answers.

## **Medical Records**

We do not accept medical records per Courts and Judicial Proceedings Article §§ 10-104 & 10-105. If we receive medical records with the complaint or prior to court we return them to the filer.

## **Postponements**

A postponement can be requested using the [Motion for Postponement](#) (CC-DC-070).

The postponement policy is based on the [District Court Administrative Regulations](#), as follows:

No motion for the postponement or continuance of any case shall be considered, unless made in the following manner:



**a) Five or More Days Prior to Trial.** Every person desiring a case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court. All postponement requests are forwarded to the chambers judge in Harford County District Court. Such motion may not be granted except for good cause shown.

Good cause reasons five or more days prior to trial may include, at minimum, the following:

- 1) Written consent of both parties for the first trial postponement only;
- 2) Scheduling conflict of either party or attorney with a trial on another case, with the notice for the conflicting trial attached;
- 3) Serious illness or death of either party or attorney;
- 4) Planned holidays or vacations of either party or attorney, with a motion filed at least 30 days prior to the trial date; or
- 5) Other serious emergency conflict.

**b) Less Than Five Days Prior to Trial.** Any motion for postponement or continuance of any case made within five days of the scheduled trial date shall be addressed directly to the presiding judge of that court.

Good cause reasons less than five days prior to trial shall NOT include the following:

- 1) Written consent of both parties;
  - 2) Scheduling conflict of either party or attorney with trial on another case; or
  - 3) Planned holidays or vacations of either party or attorney.
- c) Designation of Postponement Clerk.** There is no designated postponement clerk in Harford County.
- d) Attorney Hearing Dates.** Unless otherwise agreed by the clerk, all requests for

postponements should be accompanied by three (3) proposed dates when the attorneys and parties are available. Counsel should attempt to contact opposing counsel, if possible, to find dates acceptable to both attorneys and parties. Civil cases are heard on Fridays.

### **Do You Need a Court Interpreter or Other Special Accommodation?**

The Maryland Judiciary provides court interpreters for hearings and proceedings conducted in court, as well as certain court-related services and events, at no cost, for individuals who are parties or witnesses in court proceedings.

Only court-appointed interpreters can serve as official interpreters in the courtroom. Your family or friends cannot serve as official court interpreters. You may have your family members or friends help you communicate with the court staff outside the courtroom.

You should request an interpreter for your hearing 30 days before the court date, if possible.

Fill out a [Request for Spoken Language Interpreter](#) (CC-DC-041). If requesting a sign language interpreter or other special accommodation, use the [Request for Accommodation for Person with Disability](#) (CC-DC-049). You can also ask your attorney to fill out the form for you.

Submit the form to the clerk's office of the courthouse where your hearing is scheduled by mail or in person.

If you are a party in the case, you only need to submit a single interpreter request form. Once the court receives your first timely request, the court will assign an interpreter for all proceedings at which you are expected to appear. Other interested persons (victims and witnesses) must submit a new interpreter request form for each proceeding.

## Harford County District Court and the Community

The following are resources available in the community to help with resolving a dispute.

Location:

Bel Air District Court Multi Service Center  
 District Court of Maryland  
 2 South Bond Street, Suite 100  
 Bel Air, MD 21014  
 Monday – Friday, 8:30 a.m. – 4:30 p.m.  
 410-836-4545

The clerk's office and the courtrooms are located on the first floor of the multi-service center.

Alternative Dispute Resolution	866-940-1729
Legal Aid	410-836-7772
Maryland Courts Self-Help Center	410-260-1392
People's Law Library	<a href="https://www.peoples-law.org/">https://www.peoples-law.org/</a>
Harford County Community Mediation Center	410-638-4807

## Forms

Following is a link to all District Court

forms: <http://www.mdcourts.gov/district/dctcivforms.html>

The following forms initiate a civil case and include the defining characteristics of contested and uncontested matters.

DCA-109 [District Court's Cost Schedule](#)  
 DC-CV-001 [Complaint/Application and Affidavit in Support of Judgment](#)  
 CC-DC-088 [Statement in Support of Waiver of Prepaid Costs by Clerk](#)  
 CC-DC-089 [Request for Waiver of Prepaid Costs](#)  
 DC-CV-15 [Request to File Foreign Judgment](#)  
 DC-CV-104 [Complaint and Affidavit for Judgment by Confession](#)

The following form can be used to help you complete the Complaint form for both Large and Small Claim cases.

CC-DC-001BR [Small Claims Brochure](#)

The following form may be used to request a change in a scheduled hearing or trial at the District Court.

CC-DC-070 [Motion for Postponement](#)

The following forms can be used to help you collect your judgment.

CC-CV-60BR [Post-Judgment Brochure](#)

CC-DC-090 [Request for Final Waiver of Open Costs](#)

A growing amount of content on the Maryland Judiciary's web site is now available in languages other than English. The non-English pages provide forms, brochures, and other helpful information about the Maryland Courts. The materials are available in Spanish, French, Russian, Korean and Chinese. <http://www.mdcourts.gov/courtlanguage/index.html>.

The following forms can be used to request a court interpreter or other special accommodation.

CC-DC-041 [Request for Spoken Language Interpreter](#)

CC-DC-049 [Request for Accommodation for Person with Disability](#)

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## Civil Small Claim Cases

Civil small claim cases may only be filed in the District Court. The criteria for filing a civil small claim case in the District Court are:

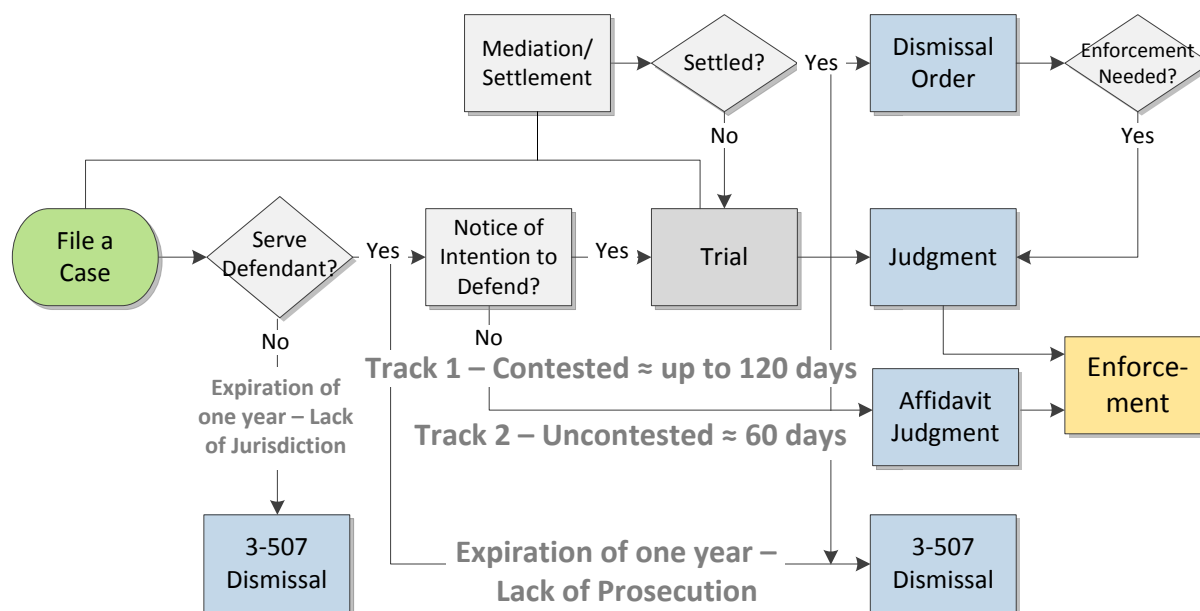
- ✓ A claim is for \$5,000 or less, exclusive of interest, costs, and attorney's fees, if attorney's fees are recoverable by law or contract (Courts and Judicial Proceedings Article § 4-405);
- ✓ A claim is for money only, not the return of property or performance of a service; and
- ✓ The plaintiff is not planning to request any discovery (paperwork or other documentation such as interrogatories – written questions that the other side must answer under oath in writing, before trial, Md. Rule 3-701).

The types of Small Claim cases which can be filed using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106)

- a) *Contract* cases involve non-payment for money owed to you under a contract.
- b) *Tort* cases involve a harm that has been done to you and that has resulted in monetary damages, such as someone damaging your car.
- c) *Bad faith insurance* claims seek, in addition to actual damages, the expenses, litigation costs and interest from a first party insurance claim that was not processed in good faith (applies to actions under Courts and Judicial Proceedings Article § 3-1701).

### **How much time a civil small claim case should take to get resolved**

A small claim case may follow two potential tracks to resolution – contested and uncontested. A third track includes other small civil judgment cases where judgment is entered immediately upon filing with service occurring after. The diagram below illustrates tracks 1 and 2. Note that the times indicated are estimated from filing to the date of judgment or order. A case may take shorter or longer. The District Court of Maryland has a goal of either resolving or reaching judgment on most civil small claim cases within 120 days.



## Track 1 – Contested Cases

### File a Case

The following steps are required to file a case:

- e) **File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the court and one copy for each defendant. In the form, it is critical to name the correct defendant. One of the most challenging parts of filing a small claim is to make sure to sue the right person. See the [Small Claims Brochure](#) (DC-CV-001BR) for detailed instructions about how to name defendants who are individuals, companies, or the agent of a company.
- f) **Pay the filing fee and service fee, if applicable**. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- ✓ Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- ✓ Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

- g) **Notify the other party (Defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons to officially notify the defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint and writ of summons. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

**Time** – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

- h) **Proof of Service.** If the court does not receive Proof of Service within the time allotted for the defendant to file an intention to defend, the plaintiff may not be able to present their case on the trial date.

**Counter Claims (Md. Rule 3-331)**

A counter claim is filed by a defendant against the plaintiff using the [Complaint Form](#) (DC-CV-001). A party may file a counterclaim within ten days after the time for filing a notice of intention to defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the complaint can be served via first-class mail. A certificate of service must be submitted with the counter claim filing.

**Cross Claims (Md. Rule 3-331)**

A cross claim is filed between two defendants (or between two plaintiffs) in the same case using the [Complaint Form](#) (DC-CV-001). A party may file a cross claim within ten days after the time for filing a notice of intention to defend, and thereafter only with leave of court for good cause shown.

A filing fee is required and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

**Third Party Claims (Md. Rule 3-332)**

A third party claim is filed by the defendant in a case against a person not previously a party to the case using the [Complaint Form](#) (DC-CV-001). A party may file a third party claim no later than ten days before the scheduled trial date. Within ten days of the scheduled trial date or after the trial has commenced, a defendant may file a third party claim only with the consent of the plaintiff or by order of court. The third party plaintiff is required to attempt to notify the third party defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons, along with copies of the complaint and all pleadings to officially notify the third party defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the third party defendant. After the time limit has expired, the summons is no longer valid, unless renewed by the third party plaintiff.

A filing fee is required and depending on the method of service, a service fee may be



required. There are four legal ways to deliver these documents to the defendant: 1) Certified Mail; 2) Private Process; 3) Constable (Baltimore County service only); and 4) Sheriff.

### **Interpleader (Md. Rule 3-221)**

An action for interpleader may be filed against two or more claimants who claim to be entitled to the property. The plaintiff may deny liability in whole or in part to any or all defendants. A defendant may obtain an interpleader by way of counterclaim or cross-claim. An action for interpleader is filed by motion which shall specify the nature and value of the property and may be accompanied by payment or tender into court of the property and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed and sent out for service. A trial date will be set after the parties have been served and have had time to respond to the complaint.

A filing fee is required and, depending on the method of service, a service fee may be required. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

### **Intervenor (Md. Rule 3-214)**

A person shall be permitted to intervene when that person claims an interest relating to the property or transaction that is the subject of the action. The federal, state or local subdivision of the state may move the court to be permitted to intervene in an action when the validity of a constitutional or other legal ground is called into question in the action. An action for intervenor is filed by motion which states the grounds for the request to intervene and a [Complaint Form](#) (DC-CV-001). A judge will grant or deny the motion to intervene. If granted, the case will be processed and a trial date set.

There is no District Court filing fee and the complaint can be served via first-class mail. A certificate of service must be submitted with the cross claim filing.

### **Military Service Affidavit**

To be entitled to an affidavit judgment or to a default judgment, federal law requires a plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment this affidavit must be completed. The most commonly accepted documentation is the form available at [https://scra.dmdc.osd.mil/single\\_record.xhtml](https://scra.dmdc.osd.mil/single_record.xhtml). This website search requires the social security number of the defendant. If a judge finds that the affidavit lacks sufficient facts to determine whether any defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the courts website at: <http://mdcourts.gov/reference/scra.html>. *Filing a false military service affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

### **Notice of Intention to Defend**

The defendant may choose to contest a complaint filed against them in District Court, after they have received a writ of summons, by filing a notice of intention to defend. These cases are considered by the court to be contested, and the case shall proceed on the scheduled trial date or the existing court date may be changed to allow time for a trial.

If the defendant files a notice of intention to defend, the court will notify the plaintiff. The notice of intention to defend includes space for the defendant to explain why he or she should not be required to pay the plaintiff the money the plaintiff claims they are owed. If the defendant chooses to list a reason, the notice the plaintiff receives from the court will include that reason. The plaintiff should take note of the defendant's claim and be prepared to explain to the judge why the defendant's argument is not valid. The court will set a trial date.

Even if the defendant does not file the notice of intention to defend, the plaintiff may still be required to come to court for a trial or other hearing.

**Time** – a defendant living in Maryland has 15 days to file a notice of intention to defend. A defendant outside of Maryland (also a resident agent and the United States or an office of an agency of the United States) has 60 days to file a notice of intention to defend, following the date of proof of service (Md. Rule 3-307). Even if a notice of intention to defend is not timely filed, it is still accepted and entered into the file. The judges will also accept them in the courtroom on the trial date and the case may be continued to allow both parties time to prepare for a trial.

### **Alternative Dispute Resolution**

Forms of alternative dispute resolution (ADR) are informal, formal, and court-sponsored or initiated. If a case has been filed, all forms of ADR may involve the court if the parties choose to seek a court order or judgment that is enforceable. Forms of ADR, after the filing of a case, include the following:

(a) **Settlement.** Two parties may settle a case at any time leading up to the trial date.

When a case has been settled the dispute is resolved, although the agreement between the two parties is only enforceable if both parties file a consent agreement with a request for judgment.

(b) **Settlement Conference.** Generally, no settlement conferences are held in small claim cases, but if requested by the judge we would following Md. Rule 3-504. A settlement conference may not be in front of the judge assigned for trial.

(c) **Mediation.** Mediation is a confidential process. Anything discussed in mediation cannot be used in court. There are a few exceptions when it comes to child abuse, imminent threats of harm to a person, or allegations of duress or fraud. Any discussions, and if all parties choose, even some agreements reached can be kept confidential. Mediators are available in court on Fridays at 9:00 a.m. An agreement following mediation can result in the dismissal of the case or in a consent judgment.

An agreement is not enforceable following dismissal of a case, and the plaintiff may be required to file an affidavit for judgment, if they are unable to enforce an agreement.

### **Harford County District Court Day of Trial ADR Program**

The Harford County day of trial ADR Program operates during the civil docket every Friday morning at 8:30 a.m. Harford County's ADR practitioner roster contains primarily mediators, but also includes a few settlement conference attorneys. The mediators include representatives of the Harford County Community Mediation Program (HCCMP), who cover the fourth Friday of each month. Only one ADR practitioner (or co-mediation pair) is scheduled per docket. Litigants are offered the process (mediation or settlement conference) the morning's practitioner is trained to provide.

The District Court ADR Office does not regularly schedule practitioners to staff the 1:30 p.m. civil docket. If the Regional ADR Programs Director ("RPD") screens the docket and determines there are enough cases to warrant a volunteer, she will attempt to recruit a practitioner, primarily from HCCMP. Additionally, should a party or a judge contact the ADR Office in advance of a trial date to request ADR services for a particular case, the ADR Office can, with adequate notice, schedule an ADR Practitioner for the p.m. docket. *(This is a rare occurrence. In 2015, there were only three afternoon dockets covered by an ADR practitioner.)*

### **Harford County District Court Pre-Trial Mediation Program**

The District Court of Maryland ADR Office Regional ADR Programs Director for Baltimore City and Harford County refers cases to the Harford County Community Mediation Program (HCCMP) to attempt to schedule and conduct pretrial mediation sessions. The program director screens both the 8:30 a.m. and 1:30 p.m. civil dockets six weeks in advance of the scheduled trial date and reviews the contested cases to determine which cases might be appropriate for mediation. As only cases appearing as contested in the District Court electronic case management system are considered for case screening, this excludes all landlord tenant matters from being offered the opportunity to mediate prior to the trial

date. In addition, some cases may be identified during the screening as “Not Appropriate” for mediation.

Cases are referred by the program director on a weekly basis to HCCMP. The program director mails an introductory letter and invitation to participate, then HCCMP attempts to contact participants by phone. During these phone conversations, HCCMP provides information about mediation, offers to schedule a pretrial mediation, then reports back to the program director on the outcome of their efforts. At times, parties may refuse pretrial mediation but agree to participate in day of trial ADR.

Parties that do not agree to participate in pretrial mediation are heard on their scheduled trial date. Parties that participate, but do not reach an agreement, are also heard on their trial date. If parties reach an agreement through pretrial mediation, the agreement is hand-delivered by HCCMP or the parties to the civil clerk’s counter to be processed. Cases reaching agreement are removed from the docket, and parties are mailed a notice by the courts regarding the case disposition.

### **Trial**

At trial, both parties should be prepared to present any witnesses, evidence or exhibits to prove or defend against a claim. The trial will be more informal than a large claim trial, but both parties still need to prove their case.

**Time** – The trial date shall be set within 60 days after the complaint is filed for in-state defendants, and within 90 days after the complaint is filed for out-of-state defendants (Md. Rule 3-701).

### **Judgment**

The judgment is entered by the clerk following a trial, usually the same day. The date of the judgment is the date of the entry on the electronic case management system docket (Md. Rule 3-601(e)). Judgment can be made after trial or by consent or confession. An affidavit or default judgment may be entered if the defendant does not appear.

## **Post-Judgment**

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534); and 30 days to file an appeal (Md. Rule 7-104). An appeal from a small claim case will be retried in the circuit court.

## **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by first-class mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a defendant can collect on the judgment:

- a) Garnishing the other person's wages;
- b) Garnishing the other person's bank account; and
- c) Seizing the other person's personal property or real estate.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

## **Track 2 – Uncontested Cases (Affidavit Judgment)**

The possible conditions that define uncontested cases are the following:

- ✓ No notice of intention to defend within time limits allowed by law; and

- ✓ Affidavit in support of judgment signed by the plaintiff; and
- ✓ Affidavit judgment in favor of the plaintiff by the court.

### **File a Case**

- a) **File a complaint**, using the [Complaint Form](#) (DC-CV-001) or the [Complaint for Assigned Consumer Debt](#) (DC-CV-106) with the court and attach any supporting documentation. You must provide one copy for the court and one copy for each defendant. In the form, it is critical to name the correct defendant. One of the most challenging parts of filing a small claim is to make sure to sue the right person. See the [Small Claims Brochure](#) (DC-CV-001BR) for detailed instructions about how to name defendants who are individuals, companies, or the agent of a company.
- b) **Pay the filing fee and service fee, if applicable**. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
- 2) Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)

If the court does not grant the request to waive prepaid costs, the plaintiff has 10 days (Md. Rule 1-325(e)) to pay the filing and other required fees (prepaid costs). If the unwaived

prepaid costs are not paid in full within the time allowed, the pleading or paper shall be deemed to have been withdrawn.

- c) **Notify the other party (defendant).** The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue a writ of summons to officially notify the defendant that a suit has been filed. The writ of summons has a 30-day time limit to serve the defendant. After the time limit has expired, the summons is no longer valid, unless renewed by motion of the plaintiff. The following documents must be delivered to the defendant: original complaint and writ of summons. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private process; 3) constable (Baltimore County service only); and 4) sheriff.

**Time** – the plaintiff has 30 days to notify a defendant (Md. Rule 3-113).

- d) **Proof of Service.** If the court does not receive Proof of Service within the time allotted for the defendant to file an intention to defend, the plaintiff may not be able to present their case on the trial date.

### **Military Service Affidavit**

To be entitled to an affidavit judgment or to a default judgment, federal law requires a plaintiff to file an affidavit as to whether any defendant is in the military service. Even if you are not requesting an affidavit judgment, this affidavit must be completed. The most commonly accepted documentation is the form available at [https://scra.dmdc.osd.mil/single\\_record.xhtml](https://scra.dmdc.osd.mil/single_record.xhtml). This website search requires the social security number of the defendant. If a judge finds that the affidavit lacks sufficient facts to determine whether any defendant is in the military service, the court may deny affidavit judgment and schedule a hearing. Federal law gives the court several options if the court finds that the defendant is in the military service. The court may require the plaintiff to post a bond, the court may appoint counsel to represent the defendant, or the court may stay the proceedings. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the courts website



at: <http://mdcourts.gov/reference/scra.html>. *Filing a false military service affidavit is a criminal offense punishable by not more than one year incarceration and a fine not to exceed one thousand dollars.*

### **Notice of Intention to Defend**

The primary determinant of an uncontested case is the lack of the filing of a notice of intention to defend.

### **Affidavit in Support of Judgment**

The plaintiff may choose to fill out section four, application and affidavit in support of judgment, on the original [Complaint Form](#) (DC-CV-001), in order to be eligible for an affidavit judgment. Affidavit judgments are a type of default judgment issued by a judge without trial. They may be issued against a defendant who does not file a notice of intention to defend, but who has been served a writ of summons. These are considered uncontested cases. Note that the form requires additional procedures related to compliance with the Servicemembers Civil Relief Act, when the defendant may be a service member.

On cases with a plaintiff who does fill out section four, the court does not automatically issue an affidavit judgment. The court may choose to hold a hearing on the trial date and to proceed to a judgment.

### **Judgment**

The affidavit judgment is entered by the clerk following a trial, usually the same day. The date of the judgment is the date the clerk enters the judgment into the electronic case management system (Md. Rule 3-601(e)).

### **Post-Judgment**

The parties have 10 days to file a motion for a new trial in the District Court (Md. Rule 3-533), or file a motion to alter or amend a judgment (Md. Rule 3-534), and 30 days to file an

appeal (Md. Rule 7-104). An appeal from a large claim case will not result in a new trial, but will be on the record.

### **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10 days (Md. Rule 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

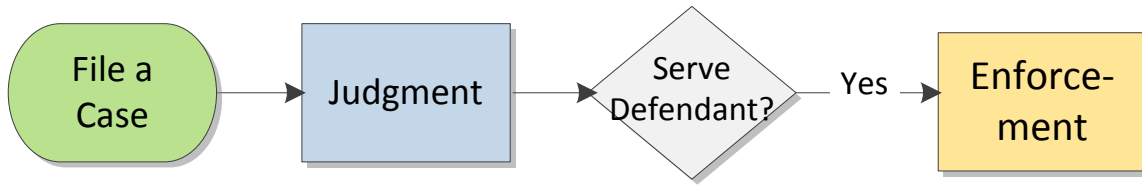
- a) Garnishing the other person's wages;
- b) Garnishing the other person's bank account; and
- c) Seizing the other person's personal property or real estate.

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

### **Track 3 – Other Small Civil Judgment Cases**

The possible conditions that define other small civil judgment cases are the following:

- a) A claim is for \$5,000 or less;
- b) Judgment is entered immediately upon filing with service occurring after; and
- c) The case does not require a trial.



### **Bond Forfeiture Judgments (Md. Rule 4-217)**

If a defendant fails to appear as required, the court shall order forfeiture of the bail bond and issuance of a warrant for the defendant's arrest and may set a new bond in the action. The clerk shall promptly notify any surety on the defendant's original bond, and the State's Attorney, of the forfeiture of that bond and the issuance of the warrant.

Within 90 days from the date the defendant fails to appear, which the court may extend to 180 days upon good cause shown, a surety shall satisfy any order of forfeiture, either by producing the defendant in court or by paying the penalty sum of the bond. If the defendant is produced within such time by the state, the court shall require the surety to pay the expenses of the state in producing the defendant and shall treat the order of forfeiture satisfied with respect to the remainder of the penalty sum.

If an order of forfeiture has not been stricken or satisfied within 90 days after the defendant's failure to appear, or within 180 days if the time has been extended, the clerk shall forthwith:

- a) enter the order of forfeiture as a judgment in favor of the governmental entity that is entitled by statute to receive the forfeiture and against the defendant and surety, if any, for the amount of the penalty sum of the bail bond, with interest from the date of forfeiture and costs including any costs of recording, less any amount that may have been deposited as collateral security; and
- b) cause the judgment to be recorded and indexed among the civil judgment records of the circuit court of the county; and
- c) prepare, attest, and deliver or forward to any bail bond commissioner appointed

pursuant to Rule 16-805, to the State's Attorney, to the Chief Clerk of the District Court, and to the surety, if any, a true copy of the docket entries in the cause, showing the entry and recording of the judgment against the defendant and surety, if any.

The criminal, traffic or civil case file is forwarded to the civil department where a civil case is created and a bond forfeiture judgment is entered against the defendant and surety, if any.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court. There is no circuit court filing fee in Harford County.

The defendant and surety, if any, will receive a notice via first-class mail that a bond forfeiture judgment was entered.

Notification of the bond forfeiture judgment is mailed to the Harford County State's Attorney's Office, District Court and surety, if any.

Enforcement of the judgment shall be by the State's Attorney in accordance with those provisions of the rules relating to the enforcement of judgments.

### **Confessed Judgments (Md. Rule 3-611)**

A confessed judgment is an action seeking final judgment based upon a person agreeing, in advance, to the entry of judgment against them upon the occurrence or non-occurrence of an event, such as making a payment.

The instrument does not evidence or arise from a consumer loan as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-311(b).

The instrument does not evidence or arise from a consumer transaction as to which a confessed judgment clause is prohibited by Commercial Law Article § 13-301.

The instrument is not subject to the Maryland Retail Installment Sales Act as to which a confessed judgment clause is prohibited by Commercial Law Article § 12-607.

The following steps are required to file a case:

- a) File a complaint, using the [Complaint and Affidavit for Judgment by Confession](#) (DC-CV-104) form with the court.
- b) File the original or a copy of the written instrument authorizing the confession of judgment for a liquidated amount;
- c) Pay the filing fee and service fee, if applicable. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - 2) Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- a) Notify the other party (defendant). The plaintiff is required to attempt to notify the defendant that a complaint (lawsuit) has been filed against the defendant. The clerk will issue the complaint to officially notify the defendant that a suit has been filed. There is no time limit for service of the complaint to the defendant. There are four legal ways to deliver these documents to the defendant: 1) Certified mail; 2) private

process; 3) constable (Baltimore County only); and 4) sheriff.

- b) Proof of Service. If the court does not receive proof of service the judgment cannot be enforced.

### **Foreign Judgments (Courts and Judicial Proceedings Article § 11-801 to 11-807)**

A foreign judgment is 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. A foreign judgment is not open to post-judgment revisions. Motions to revise must be filed in the original court.

The following steps are required to file a case:

- a) File a complaint, using the [Request to File Foreign Judgment](#) (DC-CV-15) form with the court. Addresses for both parties shall be listed on the complaint. You must use the carbonless multi-part form available at all District Court locations. Please print or type clearly and make sure all copies are legible. Non-money judgments shall be referred to a judge before execution.
- b) File a copy of the foreign judgment which has been tripled sealed (Certified under Act of Congress);
- c) Pay the filing fee and service fee, if applicable. Check the [District Court's Cost Schedule](#) (DCA 109) for fees.

The plaintiff will pay the filing fee by check or money order to the clerk's office. The check or money order should be made payable to District Court. If the filing fee is paid in person, payment by credit/debit card or cash is accepted.

The sheriff's fee must be paid via check or money order and cannot be waived. In Harford County, the check or money order should be made payable to the Harford County Sheriff's Office.

Filing fees may be waived by the court, based on the following conditions:

- 1) Filing by the plaintiff of the [Request for Waiver of Prepaid Costs](#) (CC-DC-089); and/or
  - 2) Representation by a legal aid lawyer; [Statement in Support of Waiver of Prepaid Costs by Clerk](#) (CC-DC-088)
- d) Notify the other party (defendant). The clerk will mail a copy of the foreign judgment to the defendant via first-class mail, however, the plaintiff may request service by certified mail or sheriff/constable.

### **Municipal Infraction Judgments (Local Government Article § 6-102 to 6-115)**

Civil infraction means a violation of a county ordinance, resolution, or public local law which has been designated a civil infraction by the legislative body of a code home rule county. In Harford County, a municipal infraction judgment may be entered due to a violation of a municipal code.

- a) Aberdeen – violations of littering, nuisance or environmental laws and certain provisions of the City Code. Judgment maybe entered for failure to pay the fine or stand trial. *See* Aberdeen City Code § 95-5.
- b) Violation of the Bel Air Code is a municipal infraction. *See* Bel Air City Code § 450-38.
- c) Enumerated violations of the Code of Havre de Grace are municipal infractions. *See* Havre de Grace Code § 186-19.

For more information concerning civil citations see that section under the criminal cases section of this plan.

Municipal infraction judgments may be entered as a result of the following:

- a) The defendant fails to appear for the civil citation hearing; or
- b) The defendant appears for the civil citation hearing but does not pay the fine assessed by the judge.

The civil citation case file is forwarded to the civil department where a civil case is created and a municipal infraction judgment entered.

There is no District Court filing fee.

The defendant will receive a notice via first-class mail that a municipal infraction judgment was entered.

### **Restitution Judgments (Criminal Procedures § 11-610 and 11-611)**

Restitution means that the person who committed the crime must repay the victim, the state government, an insurance company or another person that has compensated the victim for injuries, loss or damage.

Restitution Judgments are entered a result of the following:

- a) The defendant fails to pay restitution as ordered in a Criminal or Traffic case and the judge orders a civil judgment; or
- b) The victim requests a civil judgment in writing after the defendant fails to pay restitution as ordered in a Criminal or Traffic case.

The criminal or traffic case file is forwarded to the civil department where a civil case is created and a restitution judgment entered.

There is no District Court filing fee.

The clerk then forwards a notice of lien of judgment to the circuit court of any other county as the Maryland Rules provide. There is no circuit court filing fee in Harford County.

The defendant will receive a notice via first-class mail that a restitution judgment was entered.

### **Enforcement**

After the court issues a judgment and it is entered into the record by the clerk, both parties



will receive a copy of the judgment by mail. The court will not collect the money owed to the prevailing party. To begin an enforcement action, the prevailing party will have to complete and file more forms with the court, pay the required filing fees and appear in court for additional hearings. The prevailing party usually must wait 10\* days (Md. Rule 3-632) before they can take further legal action to enforce the judgment. Once the waiting period passes, there are three different ways a creditor can collect on the judgment:

- a) Garnishing the other person's wages;
- b) Garnishing the other person's bank account; and
- c) Seizing the other person's personal property or real estate.

\*Exception: Municipal and restitution judgments are not enforceable until after 30 days

The prevailing party must file documents with the court and provide the other party with copies of all motions or correspondence filed with the court in order to garnish or seize money or property. If the other person does not have a job, a bank account, real estate or other significant property, it may be difficult to collect on the judgment. See the linked brochure, [Post-Judgment Collection](#) (DC-CV-060BR), for a detailed description of enforcement procedures.

The following topics apply to all civil small tracks.

### **Personal Identifiers**

It is the responsibility of the filer to redact personal identifiers, prior to submitting a filing with the Court. Filers include anyone filing documents with the Court, including police officers, the state's attorney, criminal complainants, landlords, petitioners, and others. The filer does not have to be a party to a case, and may include federal courts, military personnel, or relatives to a party in a case.

Per Md. Rule 1-322.1, unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper

filing with a court:

- a) an individual's social security number, taxpayer identification number; or
- b) the numeric or alphabetic characters of a financial or medical account identifier.”

The rule also states that unless otherwise provided by law or court order, this rule does not apply to the following:

- a) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b) the record of an administrative agency proceeding.

### **Discovery**

Interrogatories (Md. Rule 3-421) may not be filed pre-judgment in small claim cases (Md. Rule 3-701). The plaintiff may not ask questions about the defendant's assets until after a judgment has been entered.

The actual questions do not need to be filed with the court. Up to 15 questions are allowed and must be relevant to the case. The opposing party has 15 days from the date of service to file answers.

### **Medical Records**

We do not accept medical records per Courts and Judicial Proceedings Article § 10-104 & 10-105. If we receive medical records with the complaint or prior to court we return them with our local administrative order.

### **Postponements**

A postponement can be requested using the [Motion for Postponement](#) (CC-DC-070).

The postponement policy is based on the [District Court Administrative Regulations](#), as follows:

No motion for the postponement or continuance of any case shall be considered, unless made in the following manner:

- a) **Five or More Days Prior to Trial.** Every person desiring a case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court. All motions for postponement or continuance are forwarded to the chambers judge in Harford County. Motions may not be granted except for good cause shown.

Good cause reasons five or more days prior to trial may include, at minimum, the following:

- 1) Written consent of both parties for the first trial postponement only;
- 2) Scheduling conflict of either party or attorney with a trial on another case, with the notice for the conflicting trial attached;
- 3) Serious illness or death of either party or attorney;
- 4) Planned holidays or vacations of either party or attorney, with a motion filed at least 30 days prior to the trial date; or
- 5) Other serious emergency conflict.

- b) **Less Than Five Days Prior to Trial.** Any motion for postponement or continuance of any case made within five days of the scheduled trial date shall be addressed directly to the presiding judge of that court.

Good cause reasons less than five days prior to trial shall NOT include the following:

- 1) Written consent of both parties;
- 2) Scheduling conflict of either party or attorney with trial on another case; or
- 3) Planned holidays or vacations of either party or attorney.

- c) **Designation of Postponement Clerk.** There is no designated postponement clerk

in Harford County.

- d) **Attorney Hearing Dates.** Unless otherwise agreed by the clerk, all requests for postponements should be accompanied by three (3) proposed dates when the attorneys and parties are available. Counsel should attempt to contact opposing counsel, if possible, to clear dates acceptable to both attorneys and parties. Civil cases are heard on Fridays.

### **Do You Need a Court Interpreter or Other Special Accommodation?**

The Maryland Judiciary provides court interpreters for hearings and proceedings conducted in court, as well as certain court-related services and events, at no cost, for individuals who are parties or witnesses in court proceedings.

Only court-appointed interpreters can serve as official interpreters in the courtroom. Your family or friends cannot serve as official court interpreters. You may have your family members or friends help you communicate with the court staff outside the courtroom.

You should request an interpreter for your hearing 30 days before the court date, if possible.

Fill out a [Request for Spoken Language Interpreter](#) (CC-DC-041). If requesting a sign language interpreter or other special accommodation, use the [Request for Accommodation for Person with Disability](#) (CC-DC-049). You can also ask your attorney to fill out the form for you.

Submit the form to the clerk's office of the courthouse where your hearing is scheduled by mail or in person.

If you are a party in the case, you only need to submit a single interpreter request form. Once the court receives your first timely request, the court will assign an interpreter for all proceedings at which you are expected to appear. Other interested persons (victims and witnesses) must submit a new interpreter request form for each proceeding.

## Harford County District Court and the Community

The following are resources available in the community to help with resolving a dispute.

### Location:

Bel Air District Court Multi Service Center  
 District Court of Maryland  
 2 S. Bond Street, Suite 100  
 Bel Air, MD 21014  
 Monday – Friday, 8:30 a.m. – 4:30 p.m.  
 410-836-4545

The clerk's office and the courtrooms are located on the first floor of the court house.

Alternative Dispute Resolution	866-940-1729
Legal Aid	410-836-7772
Maryland Courts Self-Help Center	410-260-1392
People's Law Library	<a href="https://www.peoples-law.org/">https://www.peoples-law.org/</a>
Harford County Community Mediation Center	410-638-4807

## Forms

Following is a link to all District Court

forms: <http://www.mdcourts.gov/district/dctcivforms.html>

The following forms initiate a civil case and include the defining characteristics of contested and uncontested matters.

DCA-109	<a href="#">District Court's Cost Schedule</a>
DC-CV-001	<a href="#">Complaint/Application and Affidavit in Support of Judgment</a>
CC-DC-088	<a href="#">Statement in Support of Waiver of Prepaid Costs by Clerk</a>
CC-DC-089	<a href="#">Request for Waiver of Prepaid Costs</a>
DC-CV-15	<a href="#">Request to File Foreign Judgment</a>
DC-CV-104	<a href="#">Complaint and Affidavit for Judgment by Confession</a>

The following form can be used to help you complete the Complaint form for both Large and Small Claim cases.

CC-DC-001BR      [Small Claims Brochure](#)

The following form may be used to request a change in a scheduled hearing or trial at the District Court.

CC-DC-070      [Motion for Postponement](#)

The following forms can be used to help you collect your judgment.

CC-CV-60BR      [Post-Judgment Brochure](#)

CC-DC-090      [Request for Final Waiver of Open Costs](#)

A growing amount of content on the Maryland Judiciary's web site is now available in languages other than English. The non-English pages provide forms, brochures, and other helpful information about the Maryland Courts. The materials are available in Spanish, French, Russian, Korean and Chinese. <http://www.mdcourts.gov/courtlanguage/index.html>.

The following forms can be used to request a court interpreter or other special accommodation.

CC-DC-041      [Request for Spoken Language Interpreter](#)

CC-DC-049      [Request for Accommodation for Person with Disability](#)