



POST-JUDGMENT



COLLECTION

HOW TO COLLECT YOUR JUDGMENT IN THE
DISTRICT COURT OF MARYLAND

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This booklet was developed by the District Court of Maryland, in cooperation with Eliot M. Wagonheim, Esquire. Mr. Wagonheim is the author of *The Art of Getting Paid: The Business Owner’s Guide to Collecting Debts and Managing Receivables in Maryland*.

INTRODUCTION

Were you awarded money in a lawsuit (the plaintiff/judgment creditor)? This guide will help you collect your judgment from the defendant/judgment debtor.

Collecting the judgment (money you are owed) can be complicated. THE COURT DOES NOT COLLECT THE MONEY. If the debtor will not pay the debt or work out a payment plan, in order to use the court process for collecting money, you must:

- complete and file more forms,
- pay filing fees (if not waived), and
- possibly appear in court again.

Additional fees will be added to the judgment.

You may want to talk to or hire a lawyer to help you. The Maryland Courts Help Centers provide free limited legal services for people who are not represented by a lawyer. Call the Help Center at 410-260-1392 or chat with a lawyer online at mdcourts.gov/courthelp.

FIRST STEPS

If you win your case, your judgment is recorded in the court in which you won. There is an automatic 10-day stay (waiting period) before you can begin the collection process. Send the debtor a copy of all motions and correspondence you file with the court about your case.

There are three (3) options available to you to collect your judgment:

- Garnishing the debtor's wages;
- Garnishing the debtor's bank account; or
- Seizing the debtor's personal property or real estate.

You will need information about the debtor. Do you know where the debtor banks? Do you know where they work? Do you know what property the debtor owns?

THERE ARE THREE (3) OPTIONS AVAILABLE TO YOU TO COLLECT YOUR JUDGMENT:

- 1. GARNISHING THE DEBTOR'S WAGES;**
- 2. GARNISHING THE DEBTOR'S BANK ACCOUNT; OR**
- 3. SEIZING THE DEBTOR'S PERSONAL PROPERTY OR REAL ESTATE.**

FINDING THE DEBTOR'S ASSETS AND INCOME

The first step to find the debtor's assets is to send the debtor a *Judgment Debtor (Defendant) Information Sheet* (form CC-DC-CV-114). If the debtor doesn't return the Information Sheet to you with the information you request by the deadline set by law, then you may (1) require the debtor to answer written questions or (2) require the debtor to appear in court to answer questions under oath.

STEP 1

Judgment Debtor Information Sheet (CC-DC-CV-114)

The debtor will receive a notice from the court after the entry of the judgment. The notice tells the debtor (1) they may receive a form from you or your attorney requesting information about their assets and (2) that if they send the form back as instructed with the information that you have requested they will not have to come to court to give the information.

You can send form CC-DC-CV-114 to the debtor no earlier than 10 days after the entry of the judgment. You cannot add to the form, but you can strike through information you do not need. You must keep any information returned to you confidential (such as the debtor's social security number, financial account or tax information), except to pursue collection efforts authorized by law.

STEP 2

Discovery in Aid of Enforcement (Md. Rules 2-633 and 3-633)

In order to take another step to learn about the debtor's assets and income, one of these three (3) things must be true:

- 1) you decide not to use the Judgment Debtor Information Sheet;
- 2) the judgment debtor did not return the Judgment Debtor Information Sheet to you with the information you asked for within 30 days after the date the form was mailed or otherwise delivered to the judgment debtor; or
- 3) the judgment debtor did properly complete and return the Judgment Debtor Information Sheet; and
 - it has been at least one (1) year since the entry of the judgment; or
 - it has been less than one (1) year since the entry of the judgment but the court has given you permission to file interrogatories (questions) or request a hearing (oral examination).

If you qualify, the next step is either Written Interrogatories in Aid of Execution or an Oral Examination (hearing).

Written Interrogatories in Aid of Execution

Interrogatories in Aid of Execution are up to 15 written questions to the debtor about their assets and income. The debtor is required to answer these questions under oath.

You may serve interrogatories on the debtor through first-class mail.

After the debtor is served with the order signed by the judge, they have another 15 days to answer your interrogatories.

After you serve the debtor with the questions, send written proof of service to the court. Proof of service may be a letter to the court that includes the case number, your name and address, and the debtor's name and address.

The purpose of these questions is to help you find the debtor's assets that can be used to satisfy your judgment. The questions may cover the debtor's bank accounts, employment, personal property, and real estate.

The debtor has 15 days to answer. If you do not receive an answer in 15 days, you can file a *Motion Compelling Answers to Interrogatories in Aid of Execution* (form DC-CV-030). This motion asks the judge to order the debtor to answer your questions.

After the debtor is served with the order signed by the judge, they have another 15 days to answer your interrogatories.

STEP 3

Oral Examination in Aid of Enforcement of Judgment

No sooner than 30 days after the court enters a judgment, you may ask that the debtor appear in court and answer your questions. The debtor will be under oath. You may ask questions about the debtor's assets and income. Complete the *Request for Order Directing Judgment Debtor or Other Person to Appear for Examination in Aid of Enforcement of Judgment* (form CC-DC-CV-032). The court will issue an order that tells the debtor when to appear. You have 30 days to serve the debtor with this order.

**AT THE ORAL EXAMINATION,
YOU MAY ASK THE DEBTOR ABOUT
REAL ESTATE, CARS AND OTHER
ASSETS OWNED, BANK ACCOUNTS
MAINTAINED, SOURCES OF INCOME
RECEIVED, AND WAGES EARNED.**

HANDLING AN UNCOOPERATIVE DEBTOR

If the debtor has been properly served and will not cooperate with your attempts to discover their assets, you may file a *Request For Show Cause Order for Contempt* (form DC-CV-033). The order will summon the debtor to court to explain why they should not be held in contempt for ignoring your discovery efforts. You can only file the request for a Show Cause Order after the debtor has either:

- ignored written interrogatories, as well as an order from the judge requiring their answers; or
- failed to appear for an oral examination hearing ordered by the court.

If the debtor fails to appear for the Show Cause hearing, the judge may issue a body attachment. If the judge orders a body attachment but it is not issued on the day of the hearing, you can file a *Request to Issue a Body Attachment* (form CC-DC-108).

Before issuing a body attachment, the plaintiff must provide either:

- proof the debtor was personally served with the order (either the order to appear or the show cause order, if issued).
 - proof the debtor signed for the order (either the order to appear or the show cause order, if issued) when served by restricted delivery mail.
- OR
- an affidavit from a person with firsthand knowledge that the debtor has been willfully evading service.

The sheriff's office will take the debtor into custody and will bring the person before the court to explain why they did not appear. The debtor may have to post a bond for their release. The bond will be forfeited to the State if they do not appear at the next hearing. Both parties will receive a new hearing date.

COLLECTING YOUR MONEY

Once you have the information you need to garnish the debtor's wages or bank account or seize the debtor's property, you can begin the collection process.

REQUEST FOR SERVICE

The collection process requires you to file many forms, especially if you choose to use more than one method. You may have to select the method of service:

- notification by mail;
- through the Sheriff's Office (or constable in Baltimore County only); or
- by private process server.

When you choose a method of service, you should complete a *Request for Service* (form DC-CV-002). The post office, sheriff, constable, or private process server should return the *Request for Service* to the court to certify that service has been made properly.

Fill out the case caption information - the address of the court in which you are filing the form, your case number, and the names of the parties. You must also fill in the addresses for both parties, required in the bottom left-hand corner of the form.



DISTRICT COURT OF MARYLAND FOR _____

Located at _____

Court Address _____

City/County _____

Case No. _____

Plaintiff/Judgment Creditor _____

VS. _____

Defendant/Judgment Debtor _____

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

GARNISHING THE DEBTOR’S WAGES

Garnishing the debtor’s wages means that a portion of his or her pay will be given to you each month until the judgment has been paid.

The first step in garnishing someone’s wages is filing a *Request for Writ of Garnishment of Wages* (form DC-CV-065). You must know the name and address of the debtor’s employer, the amount of your judgment, and any additional money owed to you (such as court costs and post-judgment interest).

If you have submitted the proper information:

- The clerk will issue a *Writ of Garnishment*.
- The debtor’s employer (“garnishee”) will be served with the writ instructing the garnishee to withhold a portion of the debtor’s wages to satisfy your judgment.
- The debtor/garnishee then has 30 days to file an answer to the *Writ of Garnishment*.
- You will receive a copy of the garnishee’s answer listing any other attachments, or garnishments, against the debtor’s wages.

Your garnishment may not take effect immediately if the debtor has to satisfy other judgments. Attachments are satisfied in the order in which they are served on the garnishee.

The Maryland Rules require garnishees (employers) to give the withheld wages to the judgment creditor within 15 days of the close of the debtor’s last pay period each month. In other words, if the debtor’s pay period ends March 26, you should receive the funds withheld during March, no later than April 10.

Your garnishment is valid as long as the debtor remains with the same employer and your judgment is unpaid. You are not required to refile.

GARNISHING THE DEBTOR’S BANK ACCOUNT

Garnishing a debtor’s bank account means you will be given money from the debtor’s bank account to help satisfy your judgment. Normally, you cannot garnish funds from:

- jointly-held accounts (unless your judgment is against both owners),
- retirement accounts,
- escrow accounts.

Financial institutions must comply with certain requirements, prohibitions, and limitations under federal law. The law prohibits holding “protected amounts” such as Social Security, Veteran’s Administration, Railroad Retirement Board, and Office of Personnel Management (Federal Regulation 31 C.F.R. Part 212 and Maryland Rule 3-645.1).

Step One in garnishing a bank account: Complete the *Request for Writ of Garnishment of Property Other Than Wages* (form DC-CV-060). You need to know the name and address of the debtor’s financial institution, the amount of your judgment, and any additional money owed to you (such as court costs and post-judgment interest).

The clerk will issue a *Writ of Garnishment* if you provide the proper information. The debtor's financial institution ("garnishee") will be served with the writ, and a *Garnishee's Confession of Assets of Property Other Than Wages* (form DC-CV-061). The garnishee has 30 days from the date of service to file the *Confession of Assets* with the court. You will receive a copy listing the debtor's assets held.

If 30 days pass after the original *Request for Writ of Garnishment of Property Other Than Wages* is served and the garnishee has filed an answer to the request, you can file the *Request for Judgment-Garnishment* (form DC-CV-062). You must mail a copy of the request to the garnishee and the debtor before filing the request.

If you do not seek to enforce or dismiss the writ within 120 days after the garnishee's answer is filed, after proper notice to both the judgment debtor and the judgment creditor, the garnishee may request to terminate the writ.

If the judge enters a judgment in your favor, the order will direct the garnishee to give you the amount ordered from the debtor's bank account.

SEIZING THE DEBTOR'S PERSONAL PROPERTY OR REAL ESTATE

Property or real estate can be sold to help satisfy your judgment. Seizing personal property or real estate are the most complicated and time-consuming collection methods. You may want to consider hiring an attorney to assist you with the process.

There are costs to seizing real estate or property. You are responsible for any costs associated with the sale. Be sure that the proceeds from the sale, minus your costs, make this procedure worth your time and effort.

There are also exceptions to what can be sold. If the debtor's property is jointly-owned, you cannot sell it unless you have a judgment against both owners.

You can, however, sell the debtor's interest in a property. For example, if the debtor owns a home jointly with a sibling, the home cannot be sold. However, you will be able to sell the debtor's interest in the home. Whoever buys the interest will become a joint owner with the debtor's sibling.

The debtor is permitted to request certain other exemptions listed under the *Notice to the Defendant* on the reverse side of the *Request for Writ of Execution*.

File a *Request for Writ of Execution* (form DC-CV-040) if you choose to seize the debtor's personal property or real estate. Before filing your request for writ there are steps you may be required to take.

YOU ARE RESPONSIBLE FOR THE COSTS OF SEIZING REAL ESTATE OR PROPERTY. BE SURE THE PROCEEDS FROM THE SALE, MINUS YOUR COSTS, MAKE THIS PROCEDURE WORTH YOUR TIME AND EFFORT.

REAL ESTATE

If you would like to sell the debtor's real estate, prior to filing the *Writ of Execution*, you must record your judgment in the circuit court for the county in which the property is located (with the exception of Baltimore City). **If you win a judgment in Baltimore City, the judgment is automatically recorded in the District Court as a lien on property in Baltimore City. If your judgment was entered in any other county, you must file the *Request to File Notice of Lien* (form DC-CV-035).**

For example, if you win your case in Prince George's County and know that the debtor owns real estate there, you should complete the *Notice of Lien* and indicate that the property you would like to sell is in Prince George's County. Fill out the case caption information, including your case number and the names and addresses of both parties. Under the Notice of Lien of Judgment section of the form, enter the date your judgment was entered, the amount that you were awarded, along with any attorney's fees or court costs. Because the real estate you would like to sell is located in the same county in which your judgment was entered, you should check the first box. File the completed *Notice of Lien* in the Prince George's County District Court, which will forward the information to the circuit court.



DISTRICT COURT OF MARYLAND FOR _____
 Located at _____ City/County _____
 Court Address _____ Case No. _____

Plaintiff/Judgment Creditor _____ Defendant/Judgment Debtor _____
 Address _____ vs. Address _____
 City, State, Zip _____ City, State, Zip _____

REQUEST TO FILE NOTICE OF LIEN
 (Md. Rules 3-621 and 3-622)

A judgment in the above case was entered on _____ in the amount of \$ _____
 plus attorney's fees of \$ _____ and costs of \$ _____
 Please file a Notice of Lien in the Circuit Court for the county in which judgment was entered.
 Please file a Notice of Lien of the judgment with the Clerk of the Circuit Court for _____
 _____ and transmit a certified copy of judgment to the District Court of that county.
 Please forward to District Court of Maryland for _____ to be recorded in that county
 (Md. Rule 3-622).
 Please record the judgment.

Date _____ Signature of Plaintiff/Attorney/Attorney Code _____ CPF No. _____
 Fax _____ Printed Name _____
 E-mail _____ Address _____
 Telephone Number _____ City, State, Zip _____

NOTICE OF LIEN OF ATTACHMENT BEFORE JUDGMENT
 (Md. Rule 3-115)

To the Clerk of the Circuit Court for _____ County:
 I HEREBY CERTIFY that an Attachment Before Judgment on Real Estate was levied in the above case, on real estate described as _____
 _____ Date _____ Clerk _____

If you win your case in Prince George's County and find that the debtor owns real estate in Anne Arundel County, you should complete the *Notice of Lien* and indicate that the property you are interested in selling is in Anne Arundel County. Because the real estate is located in a county other than the one in which your judgment was entered, check the second box and enter the name of the county where the property is located. File the completed *Notice of Lien* in the Prince George's County District Court, which will forward the information to the correct circuit court.

REQUEST TO FILE NOTICE OF LIEN
 (Md. Rules 3-621 and 3-622)

A judgment in the above case was entered on _____ in the amount of \$ _____
 plus attorney's fees of \$ _____ and costs of \$ _____
 Please file a Notice of Lien in the Circuit Court for the county in which judgment was entered.
 Please file a Notice of Lien of the judgment with the Clerk of the Circuit Court for _____
 _____ and transmit a certified copy of judgment to the District Court of that county.
 Please forward to District Court of Maryland for _____ to be recorded in that county
 (Md. Rule 3-622).
 Please record the judgment.

Date _____ Signature of Plaintiff/Attorney/Attorney Code _____ CPF No. _____
 Fax _____ Printed Name _____
 E-mail _____ Address _____
 Telephone Number _____ City, State, Zip _____

If you are trying to seize real estate in a county other than the one in which your judgment was entered, complete the Request for Transmittal of Judgment (form DC-CV-034). Include the name of the county in which you would like your judgment recorded (Anne Arundel in the example above).

PERSONAL PROPERTY

If you intend to seize personal property, such as a car or a boat, in a county other than the one in which you won your judgment, complete the *Request for Transmittal of Judgment* (form DC-CV-034). When filling out the form, put the name of the county in which you would like your judgment recorded.

WRIT OF EXECUTION

The court will send you a notice once your judgment has been recorded properly. At this point, you may file the *Request for Writ of Execution* (form DC-CV-040). You should file the Writ of Execution in the county in which the property you intend to seize is located.

When you file this request, you are asking the court to have the debtor's property levied or seized to satisfy your judgment. In most counties, the sheriff's office is responsible for levying or seizing property. In Baltimore County, constables perform these duties.

If you choose to seize the debtor's car, you are required to file a copy of the title with the *Request for Writ of Execution*. The copy cannot be more than 90 days old when you file your request. Contact the Motor Vehicle Administration to find out how to obtain a copy of the title and for information about the fees involved.

If you choose to seize the debtor's real estate, you must have a copy of the deed. Deeds are public records that can be found at the circuit court for the county in which the real estate is located. Use the legal description found on the deed for the description of the property when completing the *Request for Writ of Execution*.

In the top half of the *Request for Writ of Execution*, you should enter: (1) the amount of money that is owed to you, (2) the debtor's last known address, and (3) the location of the property to be levied and a detailed description of the property. Be specific.

The next question deals with what you would like the sheriff to do with the property.

- Select "leave the property where found" to have the sheriff post a notice alerting the debtor that the property has been levied. If you would like to sell the property, you must have it seized.
- Select "exclude others from access to it or use of it," to have the sheriff leave the property but render it inaccessible. For instance, the debtor can be barred from using their car. You may be required to post a bond with the sheriff if you choose this option.
- Select "remove it from the premises," to have the sheriff remove the property. The sheriff's office will use the bond to meet its costs; any unused portion will be returned to you.

There is a 30-day waiting period before property can be sold. The waiting period allows the debtor the opportunity to file a motion to request that the property be exempted.

If no motion is filed after the 30 days, you must contact the sheriff to start the sale of the property. If after 120 days, the sales process has not started, the property may be released to the debtor.

JUDGMENT CREDITOR'S MONTHLY REPORT

You are required to document any payments. Send a Judgment Creditor's Monthly Report to the debtor and any garnishees within 15 days after the end of each calendar month in which you receive a payment. Do not file the Judgment Creditor's Monthly Report with the District Court. A sample form is posted for your convenience at: mdcourts.gov/district/forms/civil/dccv066.pdf

RENEWING YOUR JUDGMENT

A JUDGMENT IS ONLY VALID FOR 12 YEARS, BUT CAN BE RENEWED BY FILING A REQUEST TO RENEW JUDGMENT WITH THE COURT.

In Maryland, a judgment is only valid for 12 years. If you have not been able to collect your judgment within that time, you will have to renew the judgment to continue your collection efforts. Complete the *Request to Renew Judgment* (form DC-CV-023) and file it with the court. The renewal form must be completed while your judgment is still valid. For example, if your judgment was entered on February 1, 2006, your judgment is valid until February 1, 2018.

If you file a renewal of judgment on February 2, 2018, your judgment has expired and will no longer be honored.

NOTICE OF SATISFACTION

When your judgment has been paid in full, you must file a *Notice of Satisfaction* (form DC-CV-031). The clerk will process the order and notify each court which recorded the judgment.

If you do not file the *Notice of Satisfaction* and the debtor files a *Motion for Order Declaring the Judgment Satisfied* (form DC-CV-051), the court can order you to reimburse the debtor for any costs incurred.

CHECKLIST

The following checklist is provided for your convenience. Track your progress by entering the date when each action is taken. The page numbers refer you to the specific instructions for each step.

Debtor's Name	_____	Case Number	_____
Address	_____	Amount of Judgment	_____
	_____	Date awarded	_____

Finding the Debtor's Assets

Judgment Debtor (Defendant) Information Sheet (p. 2): _____

Written questions/ interrogatories sent (p. 2): _____

Motion Compelling Answers filed (if necessary, see p. 3): _____

Request for Order Directing Judgment Debtor or Other Person to Appear for Examination in Aid of Enforcement of Judgment (Oral Exam) filed (p. 3): _____

Handling an Uncooperative Debtor

Request for Show Cause Order filed (p. 4): _____

Request to Issue a Body Attachment filed (p. 4): _____

Collecting Your Money

Request for **Garnishment on Wages** filed (p. 5) _____

Writ of Garnishment issued (p. 5) _____

Garnishee's answer filed (p. 5): _____

Request for **Garnishment of Property Other Than Wages** filed (p. 5) _____

Writ of Garnishment issued (p. 6): _____

Garnishee's Confession of Assets filed (p. 6): _____

Request for Judgment - Garnishment filed (p. 6) _____

Real Estate or Personal Property

Request to File Notice of Lien filed (if necessary, see p. 6) _____

Request for Transmittal of Judgment (if necessary, see p. 8) _____

Notice that judgment is properly recorded received (p. 8) _____

Request for Writ of Execution filed (p. 8) _____

Notice of Satisfaction (p. 9): _____

The Maryland Courts Help Centers provide free limited legal services for people who are not represented by a lawyer.

See: mdcourts.gov/courthelp

For more information about the Maryland Judiciary and the District Court visit the website, at:

 ***mdcourts.gov***



It is the mission of the District Court of Maryland to provide equal and exact justice for all who are involved in litigation before the Court.

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