

**MARYLAND BAR EXAMINATION
BOARD'S WRITTEN TEST**

February 27, 2018

EXTRACT FOR QUESTION 5

THIS EXTRACT IS TO BE USED FOR QUESTION 5 OF THE BOARD'S WRITTEN TEST. THIS EXTRACT CONTAINS SELECTED PROVISIONS OF THE MARYLAND ANNOTATED CODE.

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

ANNOTATED CODE OF MARYLAND

* * *

COURTS AND JUDICIAL PROCEEDINGS

* * *

TITLE 4. DISTRICT COURT—JURISDICTION.

* * *

§ 4-201. Extent of jurisdiction

The jurisdiction of the District Court extends to every case which arises within the State or is subject to the State's judicial power, and which is within the limitations imposed by this title or elsewhere by law. Exercise of this jurisdiction is subject to the restrictions of venue established by law.

* * *

§ 4-401. Exclusive original jurisdiction

Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(1) An action in contract or tort, if the debt or damages claimed do not exceed \$30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract;

* * *

(6) A petition for injunction relating to the use, disposition, encumbrances, or preservation of property that is:

- (i) Claimed in a replevin action, until seizure under the writ; or
- (ii) Sought to be levied upon in an action of distress, until levy and any removal;

(7) A petition of injunction filed by:

- (i) A tenant in an action under § 8-211 of the Real Property Article or a local rent escrow law; or
- (ii) A person who brings an action under § 14-120, § 14-125.1, or § 14-125.2 of the Real Property Article;

(8) A petition filed by a county or municipality, including Baltimore City, for enforcement of local health, housing, fire, building, electric, licenses and permits, plumbing, animal control, consumer protection, and zoning codes for which equitable relief is provided;

* * *

§ 4-402. Exceptions

(a) Equity cases. -- Except as provided in §§ 4-401 and 4-404 of this subtitle, the District Court does not have equity jurisdiction.

(b) Land title cases. -- Except as provided in § 4-401 of this subtitle, the District Court does not have jurisdiction to decide the ownership of real property or of an interest in real property.

(c) Declaratory judgment cases. -- The District Court does not have jurisdiction to render a declaratory judgment.

(d) Concurrent jurisdiction cases. --

(1)

(i) Except in a case under paragraph (2), (4), (5), or (6) of § 4-401 of this subtitle, the plaintiff may elect to file suit in the District Court or in a trial court of general jurisdiction, if the amount in controversy exceeds \$ 5,000, exclusive of prejudgment or postjudgment interest, costs, and attorney’s fees if attorney’s fees are recoverable by law or contract.

* * *

(2) In a case under § 4-401(7) or (8) of this subtitle, the plaintiff may elect to file a petition for injunctive relief either in the District Court or the circuit court.

(3) In a case under § 4-401(16) of this subtitle, the plaintiff may elect to file a claim for a replacement motor vehicle in either the District Court or the circuit court.

(e) Jury trial. --

(1) In a civil action in which the amount in controversy does not exceed \$ 15,000, exclusive of attorney’s fees if attorney’s fees are recoverable by law or contract, a party may not demand a jury trial pursuant to the Maryland Rules.

(2) Except in a replevin action, if a party is entitled to and files a timely demand, in accordance with the Maryland Rules, for a jury trial, jurisdiction is transferred forthwith and the record of the proceeding shall be transmitted to the appropriate court.

* * *

TITLE 6. PERSONAL JURISDICTION, VENUE, PROCESS AND PRACTICE

* * *

§ 6-102. Persons domiciled in, organized under laws of, or maintaining principal place of business in State

(a) Basis of personal jurisdiction. -- A court may exercise personal jurisdiction as to any cause of action over a person domiciled in, served with process in, organized under the laws of, or who maintains his principal place of business in the State.

(b) Exercise of jurisdiction on other basis. -- This section does not limit any other basis of personal jurisdiction of a court of the State.

§ 6-103. Cause of action arising from conduct in State or tortious injury outside State

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

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

(1) Transacts any business or performs any character of work or service in the State;

(2) Contracts to supply goods, food, services, or manufactured products in the State;

(3) Causes tortious injury in the State by an act or omission in the State;

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

(5) Has an interest in, uses, or possesses real property in the State; or

(6) Contracts to insure or act as surety for, or on, any person, property, risk, contract, obligation, or agreement located, executed, or to be performed within the State at the time the contract is made, unless the parties otherwise provide in writing.

* * *

§ 6-201. General rule

(a) Civil actions. -- Subject to the provisions of §§ 6-202 and 6-203 of this subtitle and unless otherwise provided by law, a civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation. In addition, a corporation also may be sued where it maintains its principal offices in the State.

(b) Multiple defendants. -- If there is more than one defendant, and there is no single venue applicable to all defendants, under subsection (a) of this section, all may be sued in a county in which any one of them could be sued, or in the county where the cause of action arose.

§ 6-202. Additional venue permitted

In addition to the venue provided in § 6-201 or § 6-203, the following actions may be brought in the indicated county:

(1) Divorce -- Where the plaintiff resides;

(2) Annulment -- Where the plaintiff resides or where the marriage ceremony was performed;

(3) Action against a corporation which has no principal place of business in the State -- Where the plaintiff resides;

(4) Replevin or detinue -- Where the property sought to be recovered is located;

(5) Action relating to custody, guardianship, maintenance, or support of a child -- Where the father, alleged father, or mother of the child resides, or where the child resides;

(6) Suit on a bond against a corporate surety -- Where the bond is filed, or where the contract is to be performed;

(7) Action for possession of real property -- Where a portion of the land upon which the action is based is located;

- (8) Tort action based on negligence -- Where the cause of action arose;
- (9) Attachment on original process -- Where the property is located or where the garnishee resides;
- (10) Nondelivery or injury of goods against master or captain of a vessel -- Where the goods are received on board the vessel or where delivery is to be made under the contract;
- (11) Action for damages against a nonresident individual -- Any county in the State;
- (12) Action against a person who absconds from a county or leaves the State before the statute of limitations has run -- Where the defendant is found;
- (13) In a local action in which the defendant cannot be found in the county where the subject matter of the action is located -- In any county in which the venue is proper under § 6-201.