DRAFT06 DISTRICT COURT OF MARYLAND FOR HB0127, Ch. 709 LOCATED AT (COURT ADDRESS) COMPLAINT/APPLICAT Effective 10/01/2023 IN SUPPORT OF JUDGMENT □ \$5,000 or under □ over \$5,000 CASE NO. Clerk: Please docket this case in an action of \square contract \square tort \square replevin \square detinue \square bad faith insurance claim \square consumer debt (original creditor) The particulars of this case are: **PARTIES** Plaintiff - Name Address, Telephone Number Serve by: Defendant(s) - Name, Address, Telephone Number Certified Mail ☐ Private Process ☐ Constable ☐ Sheriff (See Continuation Sheet) Serve by: 2. ☐ Certified ☐ I am interested in trying to resolve this dispute through mediation/ADR. Mail (You will be contacted about ADR services after the defendant is served.) ☐ Private Process Principal: \$ ☐ Constable ☐ Sheriff Pre-judgment interest at the □ legal rate □ contractual rate, calculated at Serve by: %, from ______ to ___ 3. ☐ Certified ____ days x \$___ __ per day) Mail Total Principal + pre-judgment interest: \$ ☐ Private Post-judgment interest at the \square legal rate \square contractual rate until Process ____, legal rate thereafter waived ☐ Constable and attorney's fees of \$ ☐ Sheriff ____ plus court costs. ☐ Return of the property valued at \$ and damages of Serve by: for its detention in an action of replevin. Certified ☐ Return of the property, or its value, \$ and damages Mail of \$ for its detention in action of detinue. ☐ Private Process ☐ Other: ☐ Constab and demands judgment for relief. ☐ Sheriff Signature of Plaintiff/Attorney/Attorney Code ATTORNEYS Attorney Number For Plaintiff - Name, Address, Telephone Number & Code Printed Name: Address: Telephone Number: Fax: Fax: E-mail: E-mail: MILITARY SERVICE AFFIDAVIT ☐ Verified through DOD at: ☐ Defendant(s) ____ is/are in the military service. http://scra.dmdc.osd.mil/ □ No defendant is in the military service. The facts supporting this statement are:__ Specific facts must be given for the court to conclude that each defendant who is a natural person is not in the military. I am unable to determine whether or not any defendant is in military service. I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in this Affidavit are true and correct to the best of my knowledge, information, and belief. APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT (See Plaintiff Notice on Back Page) The attached documents contain sufficient detail as to liability and damage to notify the defendant clearly of the claim against the defendant, including the amount of any interest claimed. □ Properly authenticated copy of any note, security agreement upon which claim is based □ Itemized statement of account □ Interest worksheet 🗆 Vouchers 🗆 Check 🗀 Other written document 🗆 ______ 🗀 Verified itemized repair bill or estimate of the plaintiff herein and am competent to testify to the I HEREBY CERTIFY: That I am the \square plaintiff \square of the plaintiff herein and am competent to testify to matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the defendant to the

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this document are true.

plaintiff the sum set forth in the complaint.

NOTICE TO DEFENDANT

Before Trial

This complaint contains the details of the plaintiff's claim against you and the relief that the plaintiff (the person or company suing you) seeks. The plaintiff has the burden to provide evidence to prove their case at trial. If the plaintiff has completed the affidavit portion of the complaint form, the evidence should be attached to the complaint.

You may hire your own attorney. If you're not able to hire an attorney, you can get legal help from an attorney through a Maryland Court Help Center. Court locations are open Monday to Friday from 8:30 a.m. to 4:30 p.m. Help is available by phone at 410-260-1392 or by live chat Monday through Friday from 8:30 a.m. to 8:00 p.m. For Help Center locations, visit: mdcourts.gov/helpcenter.

The clerk of the Ceourt staff, including clerks is are not permitted to give you legal advice. If you have any questions, you should consult the Maryland Court Help Center or your own attorney.

If you wish to contest (fight) the claim, you must file the Notice of Intention to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two (2) weeks before the trial date to request subpoenas, and you should bring to court on the trial date all evidence you want the court to consider. If you don't bring your evidence to the hearing, the judge can't consider it.

If you do nothing, a judgment could be entered against you that may result in a lien on your property, garnishment of your wages, and freezing your bank account. could lose even though you did not appear in court. A judgment could be entered against you with consequences that may include a lien on your property, garnishment of your wages, and freezing your bank account.

You may request a remote hearing. For more information about remote hearings, visit mdcourts.gov/district/remotehearings or contact the court (mdcourts.gov/district/directories/courtmap). At the remote hearing you would not appear in person, but rather by computer, tablet, or other appropriate electronic device. For more information about remote hearings, visit mdcourts.gov/district/remotehearings or contact the court (mdcourts.gov/district/directories/courtmap). If you do not attend the hearing, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

IF YOU <u>DISAGREE</u> WITH THE COURT'S RULING, you may:

- 1. Ask the court for a new trial by filing a Motion for a New Trial within **ten** (10) **days** after the entry of judgment, stating your reasons clearly. If the court denies your motion, you may still file an appeal; if the court grants your motion, you must appear in the District Court for a new trial.
- 2. Ask the court to change the judgment by filing a Motion to Alter or Amend the Judgment within ten (10) days after the entry of judgment.
- 3. Ask the court to change or undo the judgment by filing a Motion to Revise or Vacate the Judgment within **30 days** after the entry of judgment.
- 4. **APPEAL** to the circuit court, by filing a Notice of Appeal in the District Court within **30 days** after the entry of judgment. You will have to pay a filing fee (see Guide to Appeal Fees DCA-109A), unless the court determines that you are indigent. If the amount of the claim, not counting including court costs, interest, and attorney's fees, was \$5,000 or less, you will have a new trial in the circuit court. If the amount of the claim/was more than \$5,000, you will also have to order and pay for a transcript of the District Court trial record/by contacting the District Court clerk's office (see Transcripts & Recordings Brochure DCA-027BR).

IF YOU DECIDE <u>NOT</u> TO APPEAL AND <u>NOT</u> TO FILE ONE OF THE ABOVE MOTIONS, you may contact the plaintiff or plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the plaintiff or plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

- 1. **Judgment Debtor Information Sheet:** You may receive form CC-DC-CV-114 from the plaintiff requesting information about your income and debts. If you complete the form accurately and return it to the creditor as indicated, you will not have to answer interrogatories or appear for an oral examination for at least a year from the date of judgment. **NOTE:** A Judgment Debtor Information Sheet may not be used to enforce a money judgment resulting from a small claims action (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
- 2. **Interrogatories:** These are written questions. You must answer these written questions about your income and assets in writing under penalties of perjury. **NOTE:** Interrogatories may not be used to enforce a money judgment resulting from a small claims action eivil claim of (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
- 3. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income. **NOTE:** An oral examination may not be used to enforce a money judgment resulting from a small claims action eivil claim of (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
- 4. **Writ of Execution:** This document requires the sale or seizure of any of your possessions. Some of your property or possessions may be protected from the writ. These exemptions are explained in detail on the reverse side of the Writ of Execution form DC-CV-040. The court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
- 5. **Garnishment of Property:** The court may issue a writ freezing your bank account or holding your assets until further court proceedings.
- 6. **Garnishment of Wages:** The court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. The clerk of the Ceourt staff -is are not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: mdcourts.gov/district/public_brochures or mdcourts.gov/legalhelp/moneyissues

NOTICE TO PLAINTIFF

REOUESTING A JUDGMENT BY AFFIDAVIT OR DEFAULT:

Federal Law requires the filing of a military service affidavit. Information about the Servicemembers Civil Relief Act and the required

affidavit can be found on the court's website at: mdcourts.gov/reference/scra.

AFTER THE COURT ENTERS A JUDGMENT:

- 1. If the court enters a judgment for a sum certain, you have the right to file for a lien on real property.
- If you disagree with the outcome of the case, you have the same post-trial rights as the defendant does: you may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

DC-CV-001 (back) (Rev. 10/01/2023 10/2023 03/2023)

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