

Sample for Reference Purposes Only. Forms have bilingual format for your convenience, but must be completed and filed with the court in English. 表格样本, 仅供参考. 为了提供便利, 表格采用双语格式, 但向法院提交的表格必须用英语填写。



马里兰州地区法院

LOCATED AT (COURT ADDRESS)
地址 (法院地址)

COMPLAINT/APPLICATION AND AFFIDAVIT
IN SUPPORT OF JUDGMENT
支持判决的诉状/申请和宣誓书

\$5,000 or under over \$5,000
\$5,000 或以下 \$5,000 以上

Clerk: Please docket this case in an action of contract tort replevin
detinue bad faith insurance claim consumer debt (original creditor)
书记官: 本案立案性质为 合同 侵权 扣留 非法占有 恶意保
险索赔 消费者债务(原始债权人)

The particulars of this case are:
本案详情如下:

Blank lines for case particulars.

(See Continuation Sheet)
(见续页)

I am interested in trying to resolve this dispute through mediation/ADR.
(You will be contacted about ADR services after the defendant is served.)
我有兴趣尝试通过调解/替代性争议解决机制 (ADR) 解决此
争议。(在送达被告后, 我们会与您联系沟通 ADR 服务。)

The plaintiff claims:

Principal: \$
Pre-judgment interest at the legal rate contractual rate, calculated
at %, from to
(days x \$
per day)

原告索赔:
本金: \$
判决前利息, 利率为 法定利率 合同规定的利率为
%, 从 至
(天 x \$ /天)

Total Principal + pre-judgment interest: \$
本金总额+判决前利息: \$

Post-judgment interest at the legal rate contractual rate until
, legal rate thereafter waived and attorney's
fees of \$ plus court costs.

判决后利息, 利率为 法定利率 合同规定的利率,
直到 , 此后法定利率为
免除 以及律师费 \$, 加上法院收费。

Return of the property valued at \$ and damages of
\$ for its detention in an action of replevin.
针对立案性质为扣留的案件, 归还财产价值 \$
和赔偿金 \$

Return of the property, or its value, \$ and damages
of \$ for its detention in action of detinue.
针对立案性质为非法占有的案件, 归还财产(或其价值)
\$ 和赔偿金 \$

Other:
and demands judgment for relief.
其他:
并提出救济诉求。

CV CV CASE NO. 案件编号

PARTIES 当事人
Plaintiff - Name Address, Telephone Number
原告: 姓名、地址、电话号码

VS. 诉
Defendant(s) - Name, Address, Telephone Number
被告: 姓名、地址、电话号码

1. Serve by: 送达方式:
Certified Mail 挂号邮件
Private Process 专人送达
Constable 治安官
Sheriff 县治安官

2. Serve by: 送达方式:
Certified Mail 挂号邮件
Private Process 专人送达
Constable 治安官
Sheriff 县治安官

3. Serve by: 送达方式:
Certified Mail 挂号邮件
Private Process 专人送达
Constable 治安官
Sheriff 县治安官

4. Serve by: 送达方式:
Certified Mail 挂号邮件
Private Process 专人送达
Constable 治安官
Sheriff 县治安官

ATTORNEYS

律师

For Plaintiff – Name, Address, Telephone Number & Code
原告姓名、地址、电话号码和代码

Signature of Plaintiff/Attorney/Attorney Code
原告/律师签名/律师代码

Attorney Number
律师编号

Printed Name:

正楷姓名: _____

Address: _____

地址: _____

Telephone: _____ Fax: _____

电话号码: _____ 传真: _____

E-mail: _____

电子邮件: _____

MILITARY SERVICE AFFIDAVIT

服役宣誓书

Verified through DOD at: <http://scra.dmdc.osd.mil/>
通过国防部 (DOD) 核实, 网址: <http://scra.dmdc.osd.mil/>

Defendant(s) _____ is/are in the military service.
被告 _____ 正在服役。

Name
姓名

No defendant is in the military service. The facts supporting this statement are:
没有被告正在服役。支持这一陈述的事实有: _____

Specific facts must be given for the court to conclude that each defendant who is a natural person is not in the military.
必须向法院提供具体事实, 才能断定为自然人的每一名被告均不在服役。

I am unable to determine whether or not any defendant is in military service.
我无法确定是否有任何被告在服役。

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.
我特此声明或确认, 据我所知所信, 此宣誓书中陈述的事实和事项均真实无误, 否则甘愿受作伪证之处罚。

Date
日期

Signature of Affiant
宣誓人签名

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT (See Plaintiff Notice on Back Page)

支持判决的申请和宣誓书 (请参阅背面原告须知)

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.

所附文件包含关于责任和损害的充分细节, 以清楚地通知被告向其提出的索赔, 包括索赔的任何利息金额。

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

I HEREBY CERTIFY: That I am the plaintiff _____ of the plaintiff herein and am

competent to testify to the matters stated in this complaint, which are made on my personal knowledge; that there is justly due and owing by the defendant to the plaintiff the sum set forth in the complaint.

任何票据、担保协议(作为索赔依据)的经正式认证副本 明细对账单 利息 工作表 凭证 支票 其他书面文件
经核实的分项修理账单或费用估计

我在此证明: 本人是本案 原告 _____, 有能力就本人所知的本诉状所述事项作证; 被告应向原告支付本诉状所述款项。

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

本人郑重确认, 据本人所知, 本文件中的内容真实无误, 如有不实之处甘愿受作伪证之处罚

Date
日期

Signature of Affiant
宣誓人签名

NOTICE TO DEFENDANT

向被告发出的通知

Before Trial

审判前

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.

此诉状包含针对您的索赔的详细信息以及原告(起诉您的个人或公司)寻求的救济。原告有责任提供证据, 以在审判中证明其案件。如果原告已完成诉状表的宣誓书部分, 则应在诉状中附上证据。

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.

您可以聘请自己的律师。如果您无法聘请律师,可以通过**马里兰州法院帮助中心**获得律师的法律帮助。法院地点的开放时间为周一至周五上午 8:30 至下午 4:30。可以通过电话 410-260-1392 或周一至周五上午 8:30 至晚上 8:00 的实时聊天获得帮助。如需了解帮助中心的位置,请访问:mdcourts.gov/helpcenter。

Court staff, including clerks 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.

法庭工作人员,包括书记员,不得向您提供法律建议。如果您有任何疑问,应该向马里兰州法院帮助中心或您自己的律师咨询。

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 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.

如果您希望对索赔提出异议(抗辩),则必须提交拟抗辩通知(位于传票底部)。此案将开庭审判。如果您希望您的证人出庭受审,您应该在审判日前至少提前两周联系书记官办公室,请求送达传票,并且您应该在审判日将您希望法院考虑的所有证据带到法院。如果您不将证据带到听证会,法官则无法考虑。

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.

如果您不采取任何行动,判决结果可能会对您不利,其后果可能包括留置您的财产、扣留您的工资和冻结您的银行账户。

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). If you do not attend the hearing, a judgment could be entered against you.

您可以申请远程听证。如需关于远程听证的更多信息,请访问 mdcourts.gov/district/remotehearings 或联系法院 (mdcourts.gov/district/directories/courtmap)。如果您不参加听证,可能会对您进行判决。

If Judgment is Entered Against You (If You Lose)

如果判决结果对您不利(如果败诉)

IF YOU DISAGREE WITH THE COURT'S RULING, you may:

如果您不同意法院的裁决,您可以:

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.
自判决之日起十(10)天内通过提交重新审判动议,请求法院重新审判,并清楚说明理由。如果法院驳回您的动议,您仍然可以提出上诉;如果法院同意您的动议,您必须在地区法院出庭重新审判。
2. Ask the court to change the judgment by filing a Motion to Alter or Amend the Judgment within **10 days** after the entry of judgment.
自判决之日起 10 天内通过提交更改或修改判决动议,请求法院更改判决。
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.
自判决之日起 30 天内通过提交修改或撤销判决动议,请求法院更改或撤销判决。
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 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).
自判决之日起 30 天内,通过在地区法院提交上诉通知书,向巡回法院提出上诉。除非法院认定您完全没有经济能力,否则您必须支付立案费(请参阅《上诉费指南》, DCA-109A)。如果索赔金额(不包括法院收费、利息和律师费)不超过 \$5,000,您将在巡回法院接受重新审判。如果索赔金额超过 \$5,000,您还必须通过联系地区法院书记官办公室订购并支付地区法院审判记录的誊本(请参阅《誊本和录音手册》, DCA-027BR)。

IF YOU DECIDE NOT TO APPEAL AND NOT 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:

如果您决定不上诉和不提出上述动议之一,您可以联系原告或原告的律师安排支付所欠款项。如果您不支付所欠款项,原告或原告律师可启动进一步诉讼程序以执行判决,包括:

- 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).
判决债务人信息表: 您可能收到来自原告的表格CC-DC-CV-114, 要求提供关于您的收入和债务的信息。如果您准确填写表格并按指示将其交还债权人, 则自判决之日起至少一年内, 您无需回答质询或接受口头讯问。**请注意:** 债务人判决信息表不得用于执行(诉讼金额为 5,000 美元或以下(不含利息、费用和律师费))小型索赔诉讼导致的金钱判决。
- 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 (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
质询: 这些都是书面问题。您必须以书面形式回答这些关于您的收入和资产的问题, 否则将受到伪证罪的处罚。**注意:** 质询不得用于执行因小额索赔诉讼而产生的钱款判决(起诉金额为 5,000 美元或以下, 不包括利息、费用和律师费)。
- 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 (amount sued for was \$5,000 or less, exclusive of interest, costs, and attorney's fees).
口头讯问: 您必须出庭作证, 回答关于您的资产和收入的问题。**注意:** 口头讯问不得用于执行因小额索赔诉讼而产生的钱款判决(起诉金额为 5,000 美元或以下, 不包括利息、费用和律师费)。
- 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.
执行令状: 本文件要求出售或扣留您的任何财产。您的一些财产或拥有物可能受到令状保护。这些执行令状(表格DC-CV-040)背面详细解释了豁免情形。法院可命令您支付执行令状所产生的额外费用, 如拖航费、移动费、仓储费、广告费和拍卖费。
- Garnishment of Property:** The court may issue a writ freezing your bank account or holding your assets until further court proceedings.
财产扣留: 法院可发出令状, 冻结您的银行账户或持有您的资产, 直至进一步的法庭诉讼程序。
- 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.
工资扣留: 法院可发出令状, 命令您的雇主扣留您的一部分工资来偿还您的债务。法律规定了某些扣留豁免。

If you have any questions, you should consult an attorney. Court staff 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

如果您有任何疑问, 应该向律师咨询。法庭工作人员, 不得向您提供法律建议。更多信息可参阅书记官办公室的法院宣传册或线上访问 mdcourts.gov/district/public_brochures 或 mdcourts.gov/legalhelp/moneyissues

NOTICE TO PLAINTIFF

原告须知

REQUESTING A JUDGMENT BY AFFIDAVIT OR DEFAULT:

通过宣誓书或缺席审判请求判决:

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.

联邦法律要求提交服兵役宣誓书。有关军人民事救济法案的信息和所需的宣誓书可以在法院网站上找到, 网址为: mdcourts.gov/reference/scra。

AFTER THE COURT ENTERS A JUDGMENT:

法院判决后:

- If the court enters a judgment for a sum certain, you have the right to file for a lien on real property.
如果法院判决了一笔金额, 您有权申请不动产留置。
- 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.
如果您不同意案件结果, 您享有与被告相同的审后权利: 您可以提交上诉, 提交重新审理动议、更改或修改判决动议、或者修改或撤销判决动议。有关这些权利的更多信息, 请参阅上文。