



DISTRICT COURT OF MARYLAND FOR _____ City/County

Located at _____ Telephone _____
Court Address

Case No. _____

Plaintiff/Judgment Creditor _____

Defendant/Judgment Debtor _____

Address _____

Address _____

City, State, Zip _____

City, State, Zip _____

REQUEST FOR AN ORDER FOR THE ISSUANCE OF A WRIT OF ATTACHMENT BEFORE JUDGMENT (Md. Rule 3-115)

Plaintiff requests a Writ of Attachment Before Judgment based on the following facts (please see page 2 of this form for grounds) (*state in full detail*):

The defendant _____ is in the military service.

No defendant is in the military service and the facts supporting this statement are: _____
Name

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 the defendant is in military service.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

_____ Date

_____ Signature of Affiant

_____ Telephone Number

_____ Printed Name of Affiant

_____ Fax _____ E-mail

_____ Address

This is filed in the above-captioned case.

This is an original submission. Attached is the complaint. Also attached are:

original sworn certified photostatic copies of all material papers or other evidence that constitute the basis of the claim.

Supporting papers are not attached. The absence of such papers is explained in the affidavit.

The plaintiff requests a levy on the property of the defendant (Md. Rules 3-641 and 3-642) described as:

The plaintiff requests a garnishment of property and credits (Md. Rules 3-645 and Rule 3-645.1).

ORDER DIRECTING ISSUANCE OF WRIT OF ATTACHMENT BEFORE JUDGMENT

The court has determined that the plaintiff is entitled to the Writ of Attachment and orders that the Writ of Attachment be issued. Prior to issuance of the writ, the plaintiff must file a bond in the amount of \$ _____ for the satisfaction of all costs and damages that may be awarded to the defendant or a claimant of the property, with security of _____.

_____ Date

_____ Judge

_____ ID Number

Courts and Judicial Proceedings provides:

§ 3-302.

A court of law including the District Court, within the limits of its jurisdiction, may issue an attachment at the commencement of the action or while it is pending against any property or credits, whether matured or unmatured, belonging to the debtor upon the application of the plaintiff in the action.

§ 3-303

- (a) An attachment before judgment may issue in any of the instances enumerated in this section.
- (b) If the debtor is a nonresident individual, or a corporation which has no resident agent in this State, and:
 - (1) The debtor is a person over whom the court could exercise personal jurisdiction pursuant to §§ 6-102, 6-103, and 6-104 of this article; or
 - (2) The action involves claims to property in this State which property is to be attached; or
 - (3) The action is any other in which the attachment is constitutionally permitted.
- (c) If a resident individual defendant or an agent authorized to accept process for a corporation has acted to evade service.
- (d) If the debtor has absconded or is about to abscond from the State; or if an individual has removed, or is about to remove, from their place of abode in the State with intent to defraud their creditors.
- (e) (1) If the debtor is about to assign, dispose of, conceal, or remove their property or a portion of it from the State with the intent to defraud their creditors; or
 - (2) If the debtor has done any of these acts, or fraudulently contracted the debt or incurred the obligation which is the subject of pending action.
- (f) If the debtor is deceased and an adult nonresident is entitled by descent or devise from the debtor to any land or interest in land in the State, an attachment may issue against that land or interest held by descent or devise from the person indebted.
- (g) If any person who is required to be but is not licensed under the provisions of the Maryland Home Improvement Law, in an action against that person arising out of a home improvement transaction.

Md. Rule 3-115(g). An attachment made before service of original process dissolves 60 days after making the levy or serving the garnishee unless before that time the summons is served upon the defendant or first publication is made pursuant to Md. Rule 2-122, provided that publication is subsequently completed. Upon request made within the initial 60-day period, the court for good cause may extend the attachment for not more than 60 additional days to permit service to be made or publication commenced pursuant to this section.

Md. Rule 3-645.1(d)(1). Unless a Notice of Right to Garnish Federal Benefits that conforms with 31 C.F.R. § 212.4 and Appendix B to 31 C.F.R. Part 212 is attached, Financial Institutions are directed: 1) not to hold property of the judgment debtor that constitutes a protected amount; 2) not to hold property of the judgment debtor that may come into the garnishee's possession following service of the writ if the account contains a protected amount; and 3) to comply with other applicable requirements, prohibitions, and limitations of 31 C.F.R. Part 212.

INSTRUCTIONS TO SHERIFF/CONSTABLE

Levy on the goods and chattels of the defendant which are located at _____, said property being as follows: _____ and

remove the same from the premises leave the property with the person in whose custody or possession it was found.

exclude others from access to it or use of it.

attach the lands and tenements of the defendant which are located at _____

said (fee simple) (leasehold) property being described as follows: _____

(deed found in liber _____, folio _____)

Serve Writ of Attachment on the following garnishee:

Name of Garnishee

Address of Garnishee

Date

Signature of Plaintiff or Attorney

Printed Name

Address

City, State, Zip

Telephone Number

Fax

E-mail