



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

COMPLAINT - ASSIGNED CONSUMER DEBT MD Rule 3-306(d)

Amount ranges: \$5,000 or under, over \$5,000, over \$10,000

The particulars of this case are:

CASE NO.

CV

PARTIES

Plaintiff

(See Continuation Sheet)

The Plaintiff claims \$ plus interest of \$, Interest at the legal rate contractual rate calculated at %, from Date to Date (days x \$ per day)

Interest: \$, Total Principal + Interest: \$, Plus attorney's fees of \$ plus court costs.

Signature of Plaintiff/Attorney/Attorney Code

Printed Name:

Address:

Telephone Number:

Fax:

E-mail:

MILITARY SERVICE AFFIDAVIT

Defendant(s) is/are in the military service. 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 the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

Date:

Signature of Affiant:

Type or Print Name

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

I HEREBY CERTIFY that (1) I am the Plaintiff or of the Plaintiff herein and that I am competent to testify to the matters stated in the Complaint and in this Affidavit and Checklist, which are made on my personal knowledge, (2) that the Plaintiff is the owner of the debt(s) which is/are the subject of this case, (3) that there is justly due and owing by the Defendant to the Plaintiff the amount(s) set forth in the complaint, and (4) the claim is filed within the statute of limitations.

The following information is provided as required by Rule 3-306(d):

1. PROOF OF THE EXISTENCE OF THE DEBT OR ACCOUNT - Rule 3-306 (d)(1) (Exhibit #)

Certified or properly authenticated:

- Document signed by the Defendant evidencing the debt or opening of account; or
Bill or other record reflecting purchases, payments, or other use of credit card or account by the Defendant; or
Electronic printout or documentation from the original creditor establishing the account and showing activity by the Defendant.

NOTICE TO DEFENDANT

Before Trial

If you agree that you owe the amount claimed, you may contact the Plaintiff (or Plaintiff's attorney) before the trial date to arrange payment. **If you wish to contest the claim**, you should notify the clerk's office by filing a Notice of Intent 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 any evidence you want the Court to consider. **If you do nothing**, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

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

1. **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 court costs, interest, and attorney's fees, is:
 - **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).
 - **\$5,000 or less**, you will have a new trial in the Circuit Court.

On your trial date you should bring with you any evidence that you want the Court to consider.

2. File a **MOTION FOR A NEW TRIAL** within **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.
3. File a **MOTION TO ALTER OR AMEND THE JUDGMENT** within **10 days** after entry of judgment.
4. File a **MOTION TO REVISE OR VACATE THE JUDGMENT** within **30 days** after entry of judgment.

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:

1. **Interrogatories:** You must answer these written questions about your income and assets in writing under penalties of perjury.
2. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income.
3. **Writ of Execution:** The Court may issue a writ requiring the sale or seizure of any of your possessions except, with some exceptions, property that is exempt from execution. The exemptions are explained in detail on the reverse side of the Writ of Execution form - DC-CV-040. Further, 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.
4. **Garnishment of Property:** The Court may issue a writ ordering a bank or other agent to hold your assets until further court proceedings.
5. **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 Court is not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: http://www.mdcourts.gov/district/public_brochures.html.

NOTICE TO PLAINTIFF

A creditor or a collector may not initiate a consumer debt collection action after the expiration of the statute of limitations applicable to the consumer debt collection action. Any subsequent payment toward, written or oral affirmation of, or any other activity on the debt may not revive or extend the limitations period.

REQUESTING 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: <http://mdcourts.gov/reference/scra.html>.

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.
2. 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.

Plaintiff

VS.

Defendant(s)

2. PROOF OF TERMS AND CONDITIONS - Rule 3-306 (d)(2) (Exhibit # _____)

- Certified or properly authenticated photocopy or original document showing the terms and conditions of the consumer debt.
- Does not apply** because the consumer debt is an unpaid balance due on a credit card, the original creditor is or was a financial institution subject to regulation by the Federal Financial Institutions Examination Council or a constituent federal agency of that Council, and the claim does not include a demand or request for attorneys' fees or interest on the charge-off balance in excess of the Maryland Constitutional rate of six percent per annum.

3. PROOF OF THE PLAINTIFF'S OWNERSHIP - Rule 3-306 (d)(3) (Exhibit # _____)

Chronological list of names of all prior owners of the debt and date of each transfer (begin with original):

Name and Date	Name and Date

- Certified or properly authenticated copy of the bill of sale or other document transferring ownership to each successive owner.

4. IDENTIFICATION AND NATURE OF DEBT OR ACCOUNT - Rule 3-306 (d)(4)

Name of Original Creditor	Full Name of Defendant On Original Account	Last 4 Digits of SSN	Last 4 digits of Orig. Acct. #	Type of Transaction (utility, credit card, consumer loan, etc.)

5. FUTURE SERVICE CONTRACT INFORMATION - Rule 3-306 (d)(5)

Include facts showing the Plaintiff is currently entitled to an award of damage under the contract:

6. CHARGED OFF ACCOUNTS: ACCOUNT CHARGE-OFF INFORMATION-Rule 3-306 (d)(6) (Exhibit # _____)

- Date of the Charge-off: _____ Charge-off Balance: _____
- Additional fees or charges: _____
- Post charge-off payments and credits: _____
- Date of the last payment on debt or last transaction giving rise to the debt: _____

7. DEBTS AND ACCOUNTS NOT CHARGED-OFF - Rule 3-306 (d)(7) (Exhibit # _____)

- Itemized list of all money claimed including principal, interest, finance charges, service charges, late fees, and other fees or charges added to principal by Plaintiff: _____

- Amount and date of the consumer transaction causing the debt, or for multiple transactions, the amount and date of the last transaction: _____

- Statement of the amount and date of the last payment on the debt: _____

8. LICENSING INFORMATION - Rule 3-306 (d)(8) List all Maryland Collection Agency Licenses the Plaintiff currently holds:

Name of Collection Agency	License Number	Name on License	Date of Issue

- (See Continuation Sheet)

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

_____ Date

_____ Signature of Affiant

_____ Address

_____ Printed Name

_____ Telephone Number

_____ Title / Capacity