

Circuit Court for Baltimore City
Case No. 24-D-12-003583

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 42

September Term, 2021

MILICA ACKERS

v.

JARED ACKERS

Graeff,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 28, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2012, Jared Ackers, appellee, filed a complaint for absolute divorce against Milica Ackers, appellant, in the Circuit Court of Baltimore City. As part of the divorce proceedings, the court entered a Consent Order Regarding Marital Property which provided that appellee would pay appellant \$18,000 for settlement of all marital property and would refinance his home within 120 days of the Consent Order being entered. If appellee failed to do so, a judgment of \$18,000 would be entered against him. When appellee did not comply with the terms of the Consent Order, appellant filed a motion for entry of judgment requesting the court to require the Clerk of Court to enter and record a judgment against appellee in the amount of \$18,000. The court granted the motion, and the judgment was recorded and indexed in August 2017.

Appellant subsequently took steps to enforce the judgment including filing a request for a writ of garnishment seeking to recover “\$18,000.00, plus post-judgment interest at a legal rate.” She also filed interrogatories in aid of execution of the judgment. Appellee subsequently paid appellant \$18,000, and sent a letter to the court indicating that he had “paid in full the debt” and requesting that “all garnishments be lifted.” Because appellee did not respond to appellant’s interrogatories, appellant filed a Motion to Compel and for Sanctions. She also filed a new Request for Judgment Garnishment, asserting that she was still owed post-judgment interest in the amount of \$5,829.84. On February 8, 2021, the court entered orders denying the Motion to Compel and Request for Judgment Garnishment as moot, finding that the judgment had been satisfied by appellee’s payment of \$18,000. The court specifically found that appellant was not entitled to recover post-judgment interest because she did not request post-judgment interest in her Motion for Entry of

Judgment, and because the judgment did not specifically include post-judgment interest. This appeal followed.

Appellant’s sole claim on appeal is that the circuit court erred in holding that she was not entitled to post-judgment interest. We agree. After a money judgment is entered the circuit court does not have the discretion to deny a request for post-judgment interest. *Cochran v. Griffith Energy Service, Inc.*, 191 Md. App. 625, 638 (2010) (“Indeed, when the date of entry of judgment is not at issue, the circuit court has no discretion to decide when post-judgment interest begins to accrue[.]”). Rather, pursuant to Maryland Rule 2-604(b) an award of post-judgment interest is mandatory and “shall” begin to run on a money judgment from the date of the entry of that judgment, at the rate of 10 percent per annum, the rate prescribed by law in § 11-107 of the Courts and Judicial Proceedings Article. Thus, we hold that appellant was not required to request post-judgment interest in her motion for entry of judgment. Instead, she was entitled to post-judgment interest as a matter of law once the money judgment was entered.

Moreover, the court erred in finding that the appellant could not recover post-judgment interest because it was not specifically included in the judgment. That is because unlike an award of pre-judgment interest, an award of post-judgment interest is not required to be separately stated in the verdict or decision and included in the judgment. *Compare* Rule 2-604(a) and Rule 2-604(b); *see also Brown v. Medical Mut. Liability Ins. Soc. Of Maryland*, 90 Md. App. 18, 26 (1992) (noting in the context of an appeal there was no need for direction in a mandate from this Court regarding post-judgment interest because

“simply mandating that judgment be entered” on the verdict of the jury was sufficient to trigger the award of post-judgment interest from that date).

Because appellant was entitled to recover post-judgment interest on the money judgment, the circuit court erred in finding that the judgment had been satisfied by appellee’s payment of \$18,000 and therefore in denying appellant’s Motion to Compel and Request for Garnishment as moot. Consequently, we shall reverse the judgments of the circuit court and remand the case for further proceedings consistent with this opinion.

**JUDGMENTS OF THE CIRCUIT COURT
FOR BALTIMORE CITY REVERSED.
CASE REMANDED FOR FURTHER
PROCEEDINGS. COSTS TO BE PAID BY
APPELLEE.**