

Mark this box if this form contains Restricted Information

DRAFT04
HB0127, Ch. 719/
SB0106, Ch. 720
EFF 10/01/2023



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

COMPLAINT – ASSIGNED CONSUMER DEBT

Md. Rule 3-306(d)

\$5,000 or under over \$5,000

The particulars of this case are:

.....
.....
.....
.....

(See Continuation Sheet)

I am interested in trying to resolve this dispute through mediation/ADR.
(You will be contacted about ADR services after the defendant is served.)

CASE NO. **CV**

PARTIES

Plaintiff - Name, Address, Telephone Number

.....
.....
.....

VS.

Defendant(s) - Name, Address, Telephone Number

1.	Serve by: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Private Process <input type="checkbox"/> Constable <input type="checkbox"/> Sheriff
2.	Serve by: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Private Process <input type="checkbox"/> Constable <input type="checkbox"/> Sheriff
3.	Serve by: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Private Process <input type="checkbox"/> Constable <input type="checkbox"/> Sheriff

The plaintiff claims:

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

Total principal + pre-judgment interest: \$

Post-judgment interest at the legal rate contractual rate, until, legal rate thereafter waived

Total principal + interest: \$

Plus attorney's fees of \$ plus court costs.

Signature of Plaintiff/Attorney/Attorney Code Attorney Number

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. Verified through DOD at: <http://scra.dmdc.osd.mil/>

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.

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

This complaint contains the details of the plaintiff's case 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 are 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.

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.

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.

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.

If Judgment is Entered Against You (If You Lose)

IF YOU DISAGREE 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 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 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. **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 (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 (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. 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

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: 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.
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

DRAFT

MDEC counties only: If this submission contains Restricted Information (confidential by statute, rule or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission and check the Restricted Information box on this form. Case No. _____

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 attorney's 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	Defendant's SSN known to Plaintiff	Last 4 digits of Orig. Acct. #	Type of Transaction (utility, credit card, consumer loan, etc.)
		<input type="checkbox"/>		
		<input type="checkbox"/>		

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 document are true.

Date

Signature of Affiant

Address

Printed Name

Telephone Number

Title / Capacity