DISTRICT COURT OF MARYL	AND FOR		
LOCATED AT (COURT ADDRESS)		COMPLAINT/APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT \$5,000 or under	
CASE NO.		Clerk: Please docket this case in an action of <b>contract replevin detinue bad faith insurance claim</b> The particulars of this case are:	tort
PARTIES			
Plaintiff			
VS.	$\equiv$		
Defendant(s): 1.	Serve by: Certified Mail Private Process Constable Sheriff Serve by:		
2.	Certified Mail Private Constable Sheriff		
3.	Certified Mail	(See Continuation Sheet)	
	<ul><li>Private</li><li>Process</li><li>Constable</li></ul>	The Plaintiff claims \$, plus interest of \$         Interest at the legal rate contractual rate calculated at         %, from to (	
4.	☐ Sheriff Serve by: ☐ Certified Mail ☐ Private Process ☐ Constable ☐ Sheriff	per day) and attorney's fees of \$ plus court co Return of the property and damages of \$ for its detention in an action of replevin. Return of the property, or its value, plus damages of \$ for its detention in action of det Other:	
ATTORNEYS		and demands judgment for relief.	
For Plaintiff - Name, Address, Telephone Number & Code		Signature of Plaintiff/Attorney/Attorney Code Printed Name: Address: Telephone Number: Fax:	
		E-mail:	
<ul> <li>Defendant(s)</li> <li>No Defendant is in the military service. The facts</li> </ul>	supporting this sta	VICE AFFIDAVIT is/are in the military tement are:	
Specific facts must be given	for the Court to conclude that	each Defendant who is a natural person is not in the military.	
	ury that the facts a	nd matters set forth in the aforegoing Affidavit are true and corre	
Date		Signature of Affiant	
APPLICATION AND AFFIDAVIT Attached hereto are the indicated documents which c claim against the Defendant, including the amount of Properly authenticated copy of any note, security a Vouchers Check Other written document I HEREBY CERTIFY: That I am the Plaintiff the matters stated in this complaint, which are made Plaintiff the sum set forth in the Complaint. I solemnly affirm under the penalties of perjury and c competent to testify to these matters.	IN SUPPORT O ontain sufficient d any interest clain greement upon wh on my personal kn upon personal kno	F JUDGMENT (See Plaintiff Notice on Back Page) etail as to liability and damage to apprise the Defendant clearly or ed. hich claim is based □Itemized statement of account □Interest w □ Verified itemized repair bill or est of the Plaintiff herein and am competent to the owledge; that there is justly due and owing by the Defendant to the wledge that the contents of the above Complaint are true and I and	of the vorkshee timate estify to the n

# NOTICE TO DEFENDANT

#### **Before Trial**

**If you agree that you owe the Plaintiff 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 <u>DISAGREE</u> 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** <u>NOT</u> **TO APPEAL AND** <u>NOT</u> **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

### **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.