

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

at _____

	*	
	*	Amount of Judgment \$ _____
Plaintiff(s)	*	
vs.	*	Case No. _____
	*	Chapter _____
	*	
Defendant(s)	*	

WRIT OF EXECUTION OF PROPERTY

TO THE SHERIFF/CONSTABLE OF _____ County/City:

You are to levy the property listed below, in accordance with MD Rule 3-642 (see attached):

The Judgment Debtor's last known address is _____.
The property to be levied is located at _____.

After levy you are to carry out the instructions of the Plaintiff as to the property, provided that, if bond is required for the payment of expenses that may be incurred by you in complying with this Writ, it had been posted in the amount and with the security approved by you. The Plaintiff instructs you to: leave the property where found. exclude others from access to/use of it. remove it from the premises. Please see the attached Writ of Execution Notice for additional instructions.

TO THE JUDGMENT DEBTOR:

The Court has ordered that your goods or land should be levied upon sold, and the proceeds used to pay the amount of the judgment shown above. In addition to those listed on the Writ of Execution Notice attached, FEDERAL AND STATE EXEMPTIONS MAY BE AVAILABLE to you. You may move to release some or all of the property from levy. You may avail yourself of these exemptions only by FILING A MOTION WITHIN 30 DAYS setting forth the items you select for exemption in the Office of the Clerk of this Court, U.S. Courthouse, _____. A copy of that motion must be mailed to the plaintiff or his attorney, and the original must be filed with the Court.

If any third person has any interest, lie, or claim in the goods or lands listed for levy, it is recommended that you notify such person immediately. By this levy, the goods and lands are subjected to a judicial lien and your right to sell or dispose of them is suspended. Since no complete statement of your rights and liabilities can be given here, you may wish to consult a lawyer.

Date Issued

Clerk/Judge

WRIT OF EXECUTION NOTICE

TO SHERIFF:

MD Rule 3-641(c)

Transmittal to sheriff; bond.- Upon issuing a writ of execution or receiving one from the clerk of another county, the clerk shall deliver the writ and instructions to the sheriff. The sheriff shall endorse on the writ the exact hour and date of its receipt and shall maintain a record of actions taken pursuant to it. If the instructions direct the sheriff to remove the property from the premises where found or to exclude others from access to or use of the property, the sheriff may require the judgment creditor to file with the sheriff a bond with security approved by the sheriff for the payment of any expenses that may be incurred by the sheriff in complying with the writ.

MD Rule 3-642

- (a) *Levy Upon Real Property* – Except as otherwise provided by law, the sheriff shall levy upon a judgment debtor's interest in real property pursuant to a Writ of Execution by entering a description of the property upon a Schedule and by posting a copy of the Writ and the Schedule in a prominent place on the property.
- (b) *Levy Upon Personal Property* – Except as otherwise provided by law, the sheriff shall levy upon a judgment debtor's interest in personal property pursuant to a Writ of Execution by obtaining actual view of the property, entering a description of the Schedule, and (1) removing the property from the premises, or (2) affixing a copy of the Writ and Schedule to the property, or (3) posting a copy of the Writ and Schedule in a prominent place in the immediate vicinity of the property and affixing to each item of property a label denoting that the property has been levied upon by the sheriff, or (4) posting a copy of the Writ and Schedule in a prominent place in the immediate vicinity of the property without affixing a label to each item of property, if affixing a label to each item of property is possible but not practical.
- (c) *Possession of Personal Property By Third Person* – When the sheriff has been instructed to remove the property from the premises or exclude others from access or use and finds the property in the possession of a person, other than the judgment debtor, who asserts entitlement to possession and objects to the sheriff's removal of it or exclusion of that person from access or use, the sheriff shall notify the person retaining possession of the property of the legal effect of the levy.
- (d) *Notice of Levy* – The sheriff shall furnish a copy of the Writ of Execution and Schedule to any person found by the sheriff to be in possession of the property. If that person is not the judgment debtor, the sheriff shall also mail a copy of the Writ and Schedule to the judgment debtor's last known address.
- (e) *Return* – Following a levy, the sheriff shall promptly file a return together with the Schedule. If the Writ of Execution was received from another county under Rule 3-641(b), a copy of the Return and Schedule shall also be filed in the county where the judgment was entered.

TO JUDGEMENT DEBTOR:

You have the right under Courts and Judicial Proceedings Article § 11-504 of the Annotated Code of Maryland to claim an exemption of certain kinds of personal property such as: wearing apparel, books, tools, instruments, or appliances in an amount not to exceed \$5,000 in value necessary for the practice of any trade or profession except those kept for sale, lease, or barter; money payable in the event of sickness, accident, injury, or death of any person including compensation for loss of future earnings (however, disability income benefits are not exempt if the judgment is for necessities contracted for after the disability is incurred); professionally prescribed health aids for the debtor or dependent of the debtor; debtor's interest not to exceed \$1,000 in value in household furnishings, household goods, wearing apparel, appliances, books, animals kept as pets, and other items that are held for the personal, family, or household use of the debtor or any dependent of the debtor. IN ADDITION, WITHIN 30 DAYS AFTER THE DATE OF SERVICE OF THE WRIT OF GARNISHMENT ON THE BANK OR OTHER PERSON HOLDING YOUR MONEY OR PROPERTY, YOU MAY ELECT TO EXEMPT A TOTAL OF \$6,000. (This exemption does not apply to an attachment before judgment.) YOU MAY ALSO BE ENTITLED TO PROTECT OTHER MONEY OR PROPERTY NOT MENTIONED ABOVE. TO PROTECT YOUR RIGHTS FULLY, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.