

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

*

Plaintiff

*

v.

*

Case No. _____

Defendant

*

and

Garnishee

*

WRIT OF GARNISHMENT OF ACCOUNT IN FINANCIAL INSTITUTION

(Maryland Rule 2-645.1)

Person requesting writ: _____

Amount of judgment: _____

Address: _____

Amount due on judgment: _____

TO THE GARNISHEE/FINANCIAL INSTITUTION:

Address: _____

You are hereby ordered, as follows:

- (1) not to hold property of the Judgment Debtor that constitutes a protected amount;
- (2) not to hold property of the Judgment Debtor that may come into your possession that contains a protected amount; and
- (3) to comply with the other applicable requirements, prohibitions, and limitations contained in 31 C.F.R. Part 212.

Note that **federal and state exemptions may be available.**

You are hereby notified that **you must file a written answer** with the Clerk of Court within thirty (30) days of service of this Writ on you. Your answer shall state, if applicable, that a protected amount is in the Judgment Debtor's account, but need not specify the amount. If your answer states that the property you hold consists only of a protected amount, you shall include with the answer a request for a judgment in favor of the garnishee terminating the garnishment. Failure to file an answer within the specified time may result in judgment by default being entered against you, the Garnishee.

TO THE JUDGMENT DEBTOR:

You are hereby notified that some federal benefit payments may be automatically protected from garnishment and will not be held in response to the writ of garnishment. You are further notified that **federal and state exemptions may be available to you**; any claim for exemption for a non-protected amount must be filed with the Court no later than thirty (30) days after service of the Writ of Garnishment on the Garnishee/Financial Institution. In addition, **you have a right to contest the garnishment by filing a motion asserting a defense or objection**. All motions should be filed the Clerk of Court, U.S. District Court for the District of Maryland,

101 W. Lombard Street,
Baltimore Md. 21201

or

6500 Cherrywood Lane
Greenbelt, Md. 20770

TO THE PERSON SERVING WRIT:

The person making service shall mail a copy of the Writ to the Judgment Debtor's last known address promptly after service upon the Garnishee/Financial Institution. Proof of the service shall be filed with the court promptly, pursuant to Maryland Rule 2-126.

WITNESS the Honorable Chief Judge of the United States District Court for the District of Maryland.

Date Issued

Clerk, U.S. District Court for the District of Maryland

NOTICE

The definitions contained in 31 C.F.R. § 212.3 apply to the terms used in Maryland Rule 2-645.1, which governs the garnishment of accounts in financial institutions.

Relevant definitions under 31 C.F.R. § 212.3 include the following:

- 1) Account means an account, including a master account or sub account, at a financial institution and to which an electronic payment may be directly routed.
- 2) Account review means the process of examining deposits in an account to determine if a benefit agency has deposited a benefit payment into the account during the lookback period.
- 3) Benefit agency means the Social Security Administration (SSA), the Department of Veterans Affairs (VA), the Office of Personnel Management (OPM), or the Railroad Retirement Board (RRB).
- 4) Benefit payment means a Federal benefit payment referred to in § 212.2(b) paid by direct deposit to an account with the character “XX” encoded in positions 54 and 55 of the Company Entry Description field of the Batch Header Record of the direct deposit entry.
- 5) Financial institution means a bank, savings association, credit union, or other entity chartered under Federal or State law to engage in the business of banking.
- 6) Lookback period means the two month period that begins on the date preceding the date of account review and ends on the corresponding date of the month two months earlier, or on the last date of the month two months earlier if the corresponding date does not exist.
- 7) Protected amount means the lesser of the sum of all benefit payments posted to an account between the close of business on the beginning date of the lookback period and the open of business on the ending date of the lookback period, or the balance in an account at the open of business on the date of account review.