

REVISOR'S NOTE: This language is derived from Art. 75, §§ 9 and 10. The provisions of these sections are consolidated because they cover the same subject matter. It should be noted that subsection (a) applies only to the forfeiture of recognizance to answer or testify. It does not cover a recognizance entered for payment of a fine or penalty under Art. 18, §41. See Albrecht v. State, 132 Md. 150 (1918).

The only other changes made are in style.

SUBTITLE 6. PLEA IN BAR BY GARNISHEE AGAINST DEFENDANT.

SEC. 11-601. JUDGMENT PLEADABLE BY GARNISHEE AGAINST DEFENDANT.

(A) IN GENERAL.

EXCEPT AS PROVIDED BY SUBSECTION (B), IF A JUDGMENT OF CONDEMNATION IS EXECUTED AGAINST A GARNISHEE OR THE GARNISHEE PAYS THE JUDGMENT, HE MAY PLEAD THE EXECUTION OR PAYMENT IN BAR IN AN ACTION BROUGHT AGAINST HIM BY THE DEFENDANT EVEN THOUGH THE JUDGMENT IS LATER REVERSED OR SET ASIDE.

(B) EXCEPTION.

THE GARNISHEE MAY NOT PLEAD THE EXECUTION OR PAYMENT IF AT THE TIME OF EXECUTION OR PAYMENT THE JUDGMENT OR ITS EXECUTION IS STAYED BY ORDER OF COURT.

REVISOR'S NOTE: This section is new language derived from Art. 9, § 33.

SEC. 11-602. AMOUNT OF LEVY.

A SHERIFF MAY NOT LEVY BY WAY OF EXECUTION AGAINST A GARNISHEE MORE THAN THE AMOUNT THE PLAINTIFF MAKES APPEAR TO BE THE VALUE OF THE PROPERTY AND CREDITS ATTACHED IN THE HANDS OF THE GARNISHEE, BUT IN NO EVENT MAY THE LEVIED ASSETS EXCEED THE PLAINTIFF'S DEBT AND COSTS INCLUDING THE COST INCURRED TO THE PLAINTIFF BY THE GARNISHEE'S CONTEST OF THE GARNISHMENT.

REVISOR'S NOTE: This language is derived from Art. 9, §13. The provisions of this section are complementary to Rule G52; see Ford Motor Co.