

garnishment; providing for the construction and application of this Act; and generally relating to garnishment of funds held by financial institutions in accounts in the name of more than 1 person.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 11-603

Annotated Code of Maryland

(1989 Replacement Volume and 1990 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

11-603.

(a) (1) Except as provided in paragraph (2) of this subsection, a garnishment against property held jointly by husband and wife, in a bank, trust company, credit union, savings bank, or savings and loan association or any of their affiliates or subsidiaries is not valid unless both owners of the property are judgment debtors.

(2) Paragraph (1) of this subsection does not apply unless the property is held in an account that was established as a joint account prior to the date of entry of judgment giving rise to the garnishment.

(b) A garnishment against property held in a bank, trust company, credit union, savings bank, or savings and loan association, or any of their affiliates or subsidiaries, by one party in trust for that party and another party or parties, is not valid unless all of the parties are judgment debtors.

(c) (1) [If] NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION AND REGARDLESS OF THE RELATIONSHIP BETWEEN OR AMONG THE PERSONS, IF property held [jointly] in an account in THE NAME OF 2 OR MORE PERSONS AT a bank, trust company, credit union, savings bank, or savings and loan association[,] or any of their affiliates or subsidiaries[,] is garnished, and [less] FEWER than all of the persons named on the account are the judgment debtors, the garnishee may ~~pay into the court from which~~ ANSWER the writ of garnishment ~~has been issued~~ BY STATING:

(I) THAT THE PROPERTY IS HELD IN AN ACCOUNT AT THE GARNISHEE IN THE NAME OF 2 OR MORE PERSONS, 1 OR MORE OF WHOM BUT FEWER THAN ALL OF WHOM, ARE JUDGMENT DEBTORS; AND

(II) THE AMOUNT HELD IN THE ACCOUNT AT THE TIME THE WRIT OF GARNISHMENT WAS SERVED ON THE GARNISHEE.

(2) IF THE GARNISHEE ANSWERS AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE GARNISHEE SHALL HOLD the lesser of the amount of the judgment or the amount held in the account SUBJECT TO