

**PUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

In Re: KENNETH W. STINE,  
*Debtor,*

KENNETH W. STINE,  
*Plaintiff-Appellee,*

v.

NATIONS BANK,  
*Defendant-Appellant.*

No. 00-2352

Appeal from the United States District Court  
for the District of Maryland, at Baltimore.  
J. Frederick Motz, District Judge.  
(CA-99-3678-JFM; BK-98-8051-6-ESD; AP-99-5417)

Argued: March 1, 2001

Decided: March 15, 2004

Before WIDENER and MICHAEL, Circuit Judges, and  
Cynthia Holcomb HALL, Senior Circuit Judge of the  
United States Court of Appeals for the Ninth Circuit,  
sitting by designation.

---

Affirmed by published per curiam opinion.

---

**COUNSEL**

**ARGUED:** Ronald Scott Canter, WOLPOFF & ABRAMSON,  
L.L.P., Bethesda, Maryland, for Appellant. Mark Franklin Scurti,

MARK F. SCURTI, P.A., Baltimore, Maryland, for Appellee. ON BRIEF: Robert Neil Grossbart, David A. Rosenberg, ROBERT N. GROSSBART, P.A., Baltimore, Maryland, for Appellee.

---

### OPINION

PER CURIAM:

The order of the district court appealed from is described in *Bank of America N.A. (USA) v. Stine*, 252 B.R. 902 (D. Md. 2000), and the case was referred by us to the Court of Appeals of Maryland, which certification order is under the style of: *In re: Stine//Kenneth W. Stine v. NationsBank*, No. 00-2352, \_\_\_ F.3d \_\_\_ (4th Cir. 2001).

The Court of Appeals of Maryland answered our question and filed its opinion under the style of: *Bank of America, f/k/a NationsBank v. Kenneth W. Stine*, Misc. No. 3, \_\_\_ A.2d \_\_\_ (Md. 2003).

The question we certified to the Court of Appeals of Maryland is quoted in the opinion of that court, \_\_\_ A.2d \_\_\_, \_\_\_, as follows:

[w]hether a debtor in bankruptcy may claim as exempt from the bankruptcy estate, pursuant to Maryland Code, Annotated, Courts and Judicial Proceedings § 11-504 (1998) wages previously garnished by a judgment creditor pursuant to Maryland Code Annotated, Commercial Law II §§ 15-601-607 (2000), when the garnishment is avoided as a preferential transfer.

The Court of Appeals of Maryland answered that question "in the affirmative." \_\_\_ A.2d \_\_\_, \_\_\_.

The order of the district court appealed from is accordingly affirmed on the opinion of the Court of Appeals of Maryland, which we adopt as our own.

*AFFIRMED*