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By: **Delegates Petzold, Dembrow, Heller, Mandel, Menes, and Cryor**  
Introduced and read first time: January 31, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Small Estates - Maximum Property Value**

3 FOR the purpose of altering the gross value of an estate necessary to qualify for  
4 administration under the provisions of law for administration as a small estate;  
5 establishing an additional small estate maximum property value for estate  
6 transfers between spouses; altering certain provisions regarding fees imposed by  
7 the register of wills for services performed in connection with small estates;  
8 providing for the application of this Act; and generally relating to small estates.

9 BY repealing and reenacting, with amendments,  
10 Article - Estates and Trusts  
11 Section 5-601, 5-605, and 5-606  
12 Annotated Code of Maryland  
13 (1991 Replacement Volume and 1999 Supplement)

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

16 **Article - Estates and Trusts**

17 5-601.

18 (a) If the property of the decedent subject to administration in Maryland is  
19 established to have a value of [\$20,000] \$30,000 or less as of the date of the death of  
20 the decedent, the estate may be administered in accordance with the provisions of §§  
21 5-602 through 5-607 of this subtitle.

22 (b) If, before the filing of an initial account in administration proceedings  
23 instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent  
24 subject to administration in Maryland is established to have a value of [\$20,000]  
25 \$30,000 or less as of the date of the death of the decedent, the estate thereafter may be  
26 administered in accordance with the provisions of §§ 5-602 through 5-607 of this  
27 subtitle.

1 (c) For the purpose of this subtitle, value is determined by the fair market  
 2 value of property less debts of record secured by the property, as of the date of death,  
 3 to the extent that insurance benefits are not payable to the lien holder or secured  
 4 party for the secured debt.

5 (D) IF THE SURVIVING SPOUSE IS THE SOLE LEGATEE OR HEIR OF THE  
 6 DECEDENT AND IF BEFORE THE FILING OF AN INITIAL ACCOUNT IN  
 7 ADMINISTRATION PROCEEDINGS INSTITUTED UNDER SUBTITLE 3 OR SUBTITLE 4 OF  
 8 THIS TITLE, THE PROPERTY OF THE DECEDENT SUBJECT TO ADMINISTRATION IN  
 9 MARYLAND IS ESTABLISHED TO HAVE A VALUE OF \$50,000 OR LESS AS OF THE DATE  
 10 OF THE DEATH OF THE DECEDENT, THE ESTATE THEREAFTER MAY BE  
 11 ADMINISTERED IN ACCORDANCE WITH THE PROVISIONS OF §§ 5-602 THROUGH 5-607  
 12 OF THIS SUBTITLE.

13 5-605.

14 Property of the decedent discovered after the filing of the petition shall be  
 15 reported immediately by supplemental petition. If no administration was had in  
 16 accordance with § 5-603(a)(4) because of the failure to include after-discovered  
 17 property in the original petition, the register shall direct appropriate proceedings. If  
 18 after-discovered property increases the gross value of all property of the decedent to  
 19 more than [\$20,000,] \$30,000, OR MORE THAN \$50,000 IF ALL PROPERTY OF THE  
 20 DECEDENT SUBJECT TO ADMINISTRATION IN MARYLAND IS TRANSFERRED TO THE  
 21 SPOUSE OF THE DECEDENT, THEN any further proceeding may not be had under this  
 22 subtitle, but the administration shall proceed under the other provisions of the  
 23 estates of decedents law.

24 5-606.

25 (a) (1) Except as provided in paragraph (2) of this subsection, for all services  
 26 listed in § 2-206(b)(1) of this article that a register performs in connection with a  
 27 small estate, the register shall receive the fees under subsection (b) of this section  
 28 instead of the fees under § 2-206(b)(2) of this article.

29 (2) For each additional certificate of letters over 4 furnished in  
 30 connection with a small estate, the register shall receive the additional fee under §  
 31 2-206(c) of this article.

32 (b) Fees for a small estate shall be assessed on the value of the small estate at  
 33 the following rates:

34 If the Value			
35 of the Small			
36 Estate Is	But [Less] NO MORE		The Fee
37 [at Least]	Than	Is	
38 GREATER THAN			
39 (1) --	\$ 200		\$ 2

1	(2)	\$ 200	\$ 5,000	1% of	
2				the	
3				Value	
4				of	
5				the	
6				Small	
7				Estate	
8	(3)	\$ 5,000	\$ 10,000	\$ 50	
9	(4)	\$ 10,000	\$ 20,000	\$ 100	
10	(5)	\$ 20,000	\$ 50,000	\$ 200	

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 12 July 1, 2000 and shall be applicable to all decedents dying on or after July 1, 2000.