
By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2003

CHAPTER 232

1 AN ACT concerning

2 **Estates - Personal Representatives - Election for Modified Administration**

3 FOR the purpose of providing that a personal representative of an estate may file an
4 election for modified administration of the estate if the residuary legatees and
5 heirs at law of the estate are exempt from an inheritance tax under certain
6 circumstances; requiring that certain trustees be limited to certain persons in
7 order for a personal representative to file an election for modified
8 administration of the estate under certain circumstances; providing for the
9 application of this Act; and generally relating to altering the requirements for
10 filing an election by a personal representative for modified administration of an
11 estate.

12 BY repealing and reenacting, with amendments,
13 Article - Estates and Trusts
14 Section 5-702
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2002 Supplement)

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

19 **Article - Estates and Trusts**

20 5-702.

21 An election for modified administration may be filed by a personal
22 representative of an estate within 3 months from the date of appointment, if:

1 (1) All residuary legatees of a testate decedent and the heirs at law of an
2 intestate decedent are limited to the [decedent's]:

3 (i) [Personal] DECEDENT'S PERSONAL representative; AND

4 (ii) [Surviving spouse; and

5 (iii) Children] INDIVIDUALS OR ENTITIES EXEMPT FROM
6 INHERITANCE TAX IN THE DECEDENT'S ESTATE UNDER ~~§ 7-203~~ § 7-203(B), (E), AND (F)
7 OF THE TAX - GENERAL ARTICLE;

8 (2) ALL TRUSTEES OF EACH TRUST, IF ANY, CREATED IN THE
9 DECEDENT'S WILL ARE LIMITED TO THE DECEDENT'S:

10 (I) PERSONAL REPRESENTATIVE;

11 (II) SURVIVING SPOUSE; AND

12 (III) CHILDREN;

13 [(2)] (3) The estate is solvent and sufficient assets exist to satisfy all
14 testamentary gifts;

15 [(3)] (4) A verified final report under modified administration is filed
16 within 10 months from the date of appointment;

17 [(4)] (5) Final distribution of the estate can occur within 12 months from
18 the date of appointment; and

19 [(5)] (6) All residuary legatees of a testate decedent and the heirs at law
20 of an intestate decedent consent to a modified administration as required under §
21 5-706 of this subtitle.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 construed to apply only prospectively and may not be applied or interpreted to have
24 any effect on or application to any election for modified administration filed before the
25 effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2003.