

HOUSE BILL 24

N2

5lr0635

(PRE-FILED)

By: **Delegate McConkey**

Requested: November 19, 2014

Introduced and read first time: January 14, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Allowance for Funeral Expenses**

3 FOR the purpose of increasing the maximum amount that a court may allow for funeral
4 expenses for certain estates; providing for the application of this Act; and generally
5 relating to an allowance for funeral expenses.

6 BY repealing and reenacting, with amendments,

7 Article – Estates and Trusts

8 Section 8–106

9 Annotated Code of Maryland

10 (2011 Replacement Volume and 2014 Supplement)

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

13 **Article – Estates and Trusts**

14 8–106.

15 (a) In this section, “funeral expenses” includes the costs of a funeral, a burial, a
16 cremation, a disposition of the decedent’s remains, a memorial, a memorial service, food
17 and beverages related to bringing together the decedent’s family and friends for a wake or
18 prefuneral or postfuneral gathering or meal, and any other reasonable expenses authorized
19 by the decedent’s will.

20 (b) Subject to the priorities contained in § 8–105 of this subtitle, the personal
21 representative shall pay the funeral expenses of the decedent within six months of the first
22 appointment of a personal representative.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) Funeral expenses shall be allowed in the discretion of the court
2 according to the condition and circumstances of the decedent.

3 (2) In no event may the allowance exceed \$10,000 **FOR A SMALL ESTATE**
4 **ADMINISTERED UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE, OR \$20,000 FOR AN**
5 **ESTATE ADMINISTERED UNDER TITLE 5, SUBTITLE 3 OR 4 OF THIS ARTICLE** unless
6 the estate of the decedent is solvent and a special order of court has been obtained.

7 (3) If the estate is solvent and the will expressly empowers the personal
8 representative to pay the expenses without an order of court, an allowance by the court is
9 not required.

10 (d) (1) If the funeral expenses are not paid within six months, the creditor may
11 petition the court to require the personal representative to show cause why he should not
12 be compelled to make the payment.

13 (2) If the court finds that the claim is valid, it shall fix the amount due and
14 shall order the personal representative to make payment within ten days after the order is
15 served upon the personal representative.

16 (3) If the personal representative does not have sufficient funds, the
17 claimant may at a later date resubmit the personal representative's petition when the
18 personal representative has sufficient funds.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply only prospectively and may not be applied or interpreted to have any effect on or
21 application to any estate opened before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.