

HOUSE BILL 624

N2

5lr2075

By: **Delegates Miele, McConkey, Bromwell, Krebs, Pena–Melnyk, ~~and Saab~~ Saab, and Sample–Hughes**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Funeral Expenses Allowance – Modified Administration**

3 FOR the purpose of increasing the maximum amount that a court may allow for certain
4 funeral expenses; establishing that, if an estate is solvent, a personal representative
5 is not required to obtain an allowance by the court for funeral expenses if the estate
6 is under modified administration and the funeral expenses are included on a certain
7 report; providing for the application of this Act; and generally relating to an
8 allowance for funeral expenses.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 8–106
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2014 Supplement)

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

16 **Article – Estates and Trusts**

17 8–106.

18 (a) In this section, “funeral expenses” includes the costs of a funeral, a burial, a
19 cremation, a disposition of the decedent’s remains, a memorial, a memorial service, food

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and beverages related to bringing together the decedent's family and friends for a wake or
2 prefuneral or postfuneral gathering or meal, and any other reasonable expenses authorized
3 by the decedent's will.

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

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

9 (2) In no event may the allowance exceed ~~\$10,000~~ **\$15,000** unless the
10 estate of the decedent is solvent and a special order of court has been obtained.

11 (3) **[If] AN ALLOWANCE BY THE COURT IS NOT REQUIRED IF** the estate
12 is solvent and:

13 (I) the will expressly empowers the personal representative to pay
14 the expenses without an order of court[, an allowance by the court is not required]; **OR**

15 (II) **THE ESTATE IS UNDER MODIFIED ADMINISTRATION AND**
16 **THE PERSONAL REPRESENTATIVE INCLUDES THE EXPENSES ON THE FINAL REPORT**
17 **REQUIRED UNDER § 5–707 OF THIS ARTICLE.**

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

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

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

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

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