

HOUSE BILL 624

N2

5lr2075

By: **Delegates Miele, Bromwell, Krebs, Pena–Melnyk, and Saab**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,

9 Article – Estates and Trusts

10 Section 8–106

11 Annotated Code of Maryland

12 (2011 Replacement Volume and 2014 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Estates and Trusts**

16 8–106.

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

22 (b) Subject to the priorities contained in § 8–105 of this subtitle, the personal
23 representative shall pay the funeral expenses of the decedent within six months of the first
24 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 unless the estate of the
4 decedent is solvent and a special order of court has been obtained.

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

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

9 **(II) THE ESTATE IS UNDER MODIFIED ADMINISTRATION AND**
10 **THE PERSONAL REPRESENTATIVE INCLUDES THE EXPENSES ON THE FINAL REPORT**
11 **REQUIRED UNDER § 5-707 OF THIS ARTICLE.**

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

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

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

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

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