

HOUSE BILL 1257

N2, D1

CONSTITUTIONAL AMENDMENT

5lr2873

By: **Delegate Bromwell**

Introduced and read first time: March 6, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Orphans' Court – Change of Name to Probate Court**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to change the
4 name of each Orphans' Court in this State to the Probate Court; submitting this
5 amendment to the qualified voters of the State for their adoption or rejection;
6 changing references to the orphans' court in the Annotated Code of Maryland to the
7 probate court on the passage and ratification of a certain constitutional amendment;
8 requiring the publishers of the Annotated Code of Maryland, in consultation with
9 and subject to the approval of the Department of Legislative Services, to correct any
10 references throughout the Code that are rendered incorrect by this Act and to
11 describe any corrections in an editor's note following the section affected; prohibiting
12 the use of certain office supplies until existing office supplies are depleted; and
13 generally relating to the orphans' courts.

14 BY proposing an amendment to the Maryland Constitution
15 Article IV – Judiciary Department
16 Section 1, 3A(a), 4B(a)(1), 8(c), 18(b)(2), (3), and (4), and 20(b); and 40(a), (b), (c), (d),
17 (e), and (g) and 41 to be under the amended part “Part V. Probate Court”

18 BY repealing and reenacting, with amendments,
19 Article – Business Occupations and Professions
20 Section 10–101(f)(2) and (h)(2)(i)
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2014 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Courts and Judicial Proceedings
25 Section 1–101(c), 1–205(a)(2), 12–101(f), 12–201, 12–308, 12–501(a), 12–502(a)(1)(i)
26 and (iii) and (b)(2), and 12–701(a)
27 Annotated Code of Maryland
28 (2013 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,
2 Article – Election Law
3 Section 9–210(a)(7)(v)
4 Annotated Code of Maryland
5 (2010 Replacement Volume and 2014 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Estates and Trusts
8 Section 1–103(a)(2), 2–101, 2–106(b)(2)(i), (c), (d), (e), (f)(2), and (i), 2–107(b),
9 2–108(y)(1), (3), (4), (5), (6), and (8), 2–109(b)(3) and (4), 5–206, 5–403(b),
10 5–708(a)(4), 13–105(a) and (c), 13–106, and 13–107
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2014 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article – General Provisions
15 Section 5–103(d)(1)(i)2.
16 Annotated Code of Maryland
17 (2014 Volume)
- 18 BY repealing and reenacting, with amendments,
19 Article – Local Government
20 Section 25–509, 28–106(a)(5), and 28–207(a)(4)
21 Annotated Code of Maryland
22 (2013 Volume and 2014 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – Real Property
25 Section 2–122(c)
26 Annotated Code of Maryland
27 (2010 Replacement Volume and 2014 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – State Government
30 Section 7–216(c)(3) and 12–101(a)(12)
31 Annotated Code of Maryland
32 (2014 Replacement Volume)
- 33 BY repealing and reenacting, with amendments,
34 Article – State Personnel and Pensions
35 Section 21–307(n)(1)(v)
36 Annotated Code of Maryland
37 (2009 Replacement Volume and 2014 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Tax – General

1 Section 7–101(b), 13–302(c), 13–510(a)(3), and 13–511
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2014 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 (Three–fifths of all the members elected to each of the two Houses concurring), That it be
6 proposed that the Maryland Constitution read as follows:

7 **Article IV – Judiciary Department**

8 1.

9 The Judicial power of this State is vested in a Court of Appeals, such intermediate
10 courts of appeal as the General Assembly may create by law, Circuit Courts, [Orphans']
11 **PROBATE** Courts, and a District Court. These Courts shall be Courts of Record, and each
12 shall have a seal to be used in the authentication of all process issuing from it.

13 3A.

14 (a) (1) Except as provided in paragraph (2) of this subsection, any former
15 judge, except a former judge of the [Orphans'] **PROBATE** Court, may be assigned by the
16 Chief Judge of the Court of Appeals, upon approval of a majority of the court, to sit
17 temporarily in any court of this State, except [an Orphans'] **A PROBATE** Court, as provided
18 by law.

19 (2) (i) A retired judge of the Circuit Court for Montgomery County that
20 sits as the [Orphans'] **PROBATE** Court for Montgomery County may be assigned by the
21 Chief Judge of the Court of Appeals, upon approval of a majority of the Court of Appeals,
22 to do an act that a judge of the [Orphans'] **PROBATE** Court for Montgomery County is
23 authorized to perform.

24 (ii) A retired judge of the Circuit Court for Harford County that sits
25 as the [Orphans'] **PROBATE** Court for Harford County may be assigned by the Chief Judge
26 of the Court of Appeals, upon approval of a majority of the Court of Appeals, to do an act
27 that a judge of the [Orphans'] **PROBATE** Court for Harford County is authorized to
28 perform.

29 4B.

30 (a) (1) The Commission on Judicial Disabilities has the power to:

31 (i) Investigate complaints against any judge of the Court of Appeals,
32 any intermediate courts of appeal, the circuit courts, the District Court of Maryland, or the
33 [orphans'] **PROBATE** court; and

1 (ii) Conduct hearings concerning such complaints, administer oaths
2 and affirmations, issue process to compel the attendance of witnesses and the production
3 of evidence, and require persons to testify and produce evidence by granting them immunity
4 from prosecution or from penalty or forfeiture.

5 8.

6 (c) In all other cases of presentment or indictment, and in all suits or actions at
7 law or issues from the [Orphans'] **PROBATE** Court pending in any of the courts of law in
8 this State which have jurisdiction over the cause or case, in addition to the suggestion in
9 writing of either of the parties to the cause or case that the party cannot have a fair and
10 impartial trial in the court in which the cause or case may be pending, it shall be necessary
11 for the party making the suggestion to make it satisfactorily appear to the court that the
12 suggestion is true, or that there is reasonable ground for the same; and thereupon the court
13 shall order and direct the record of the proceedings in the cause or case to be transmitted
14 to some other court, having jurisdiction in the cause or case, for trial. The right of removal
15 also shall exist on suggestion in a cause or case in which all the judges of the court may be
16 disqualified under the provisions of this Constitution to sit. The court to which the record
17 of proceedings in such suit or action, issue, presentment or indictment is transmitted, shall
18 hear and determine that cause or case in the same manner as if it had been originally
19 instituted in that Court. The General Assembly shall modify the existing law as may be
20 necessary to regulate and give force to this provision.

21 18.

22 (b) (2) Subject to paragraphs (3) and (4) of this subsection, the Chief Judge of
23 the Court of Appeals may, in case of a vacancy, or of the illness, disqualification or other
24 absence of a judge or for the purpose of relieving an accumulation of business in any court
25 assign any judge except a judge of the [Orphans'] **PROBATE** Court to sit temporarily in
26 any court except [an Orphans'] **A PROBATE** Court.

27 (3) A retired judge of the Circuit Court for Montgomery County that sits as
28 the [Orphans'] **PROBATE** Court for Montgomery County may be assigned by the Chief
29 Judge of the Court of Appeals, upon approval of a majority of the Court of Appeals, to do
30 an act that a judge of the [Orphans'] **PROBATE** Court for Montgomery County is
31 authorized to perform.

32 (4) A retired judge of the Circuit Court for Harford County that sits as the
33 [Orphans'] **PROBATE** Court for Harford County may be assigned by the Chief Judge of the
34 Court of Appeals, upon approval of a majority of the Court of Appeals, to do an act that a
35 judge of the [Orphans'] **PROBATE** Court for Harford County is authorized to perform.

36 20.

37 (b) The judges of the Circuit Courts for Montgomery and Harford Counties shall
38 each, alternately and in rotation and on schedules to be established by those judges, sit as

1 [an Orphans'] A **PROBATE** Court for their County, and shall have and exercise all the
2 power, authority and jurisdiction which the present [Orphans'] **PROBATE** Courts now have
3 and exercise, or which may hereafter be provided by law.

4 **Part V — [Orphans'] PROBATE Court**

5 40.

6 (a) The qualified voters of the several Counties, except Montgomery County and
7 Harford County, shall elect three Judges of the [Orphans'] **PROBATE** Courts of Counties
8 who shall be citizens of the State and residents, for the twelve months preceding, in the
9 County for which they may be elected.

10 (b) The qualified voters of the City of Baltimore shall elect three Judges of the
11 [Orphans'] **PROBATE** Court for Baltimore City who shall be citizens of the State and
12 residents, for the twelve months preceding, in Baltimore City and who have been admitted
13 to practice law in this State and are members in good standing of the Maryland Bar.

14 (c) The qualified voters of Prince George's County shall elect three Judges of the
15 [Orphans'] **PROBATE** Court for Prince George's County who shall be citizens of the State
16 and residents, for the twelve months preceding, in Prince George's County and who have
17 been admitted to practice law in this State and are members in good standing of the
18 Maryland Bar.

19 (d) The qualified voters of Baltimore County shall elect three Judges of the
20 [Orphans'] **PROBATE** Court for Baltimore County who shall be citizens of the State and
21 residents, for the twelve months preceding, in Baltimore County and who have been
22 admitted to practice law in this State and are members in good standing of the Maryland
23 Bar.

24 (e) The Judges shall have all the powers now vested in the [Orphans'] **PROBATE**
25 Courts of the State, subject to such changes as the Legislature may prescribe.

26 (g) In case of a vacancy in the office of Judge of the [Orphans'] **PROBATE** Court,
27 the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable
28 person to fill the vacancy for the residue of the term.

29 41.

30 There shall be a Register of Wills in each county of the State, and the City of
31 Baltimore, to be elected by the legal and qualified voters of said counties and city,
32 respectively, who shall hold his office for four years from the time of his election and until
33 his successor is elected and qualified; he shall be re-eligible, and subject at all times to
34 removal for willful neglect of duty, or misdemeanor in office in the same manner that the
35 Clerks of the Courts are removable. In the event of any vacancy in the office of the Register
36 of Wills, said vacancy shall be filled by the Judges of the [Orphans'] **PROBATE** Court, in

1 which such vacancy occurs, until the next general election for Delegates to the General
2 Assembly when a Register shall be elected to serve for four years thereafter.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
4 as follows:

5 **Article – Business Occupations and Professions**

6 10–101.

7 (f) (2) “Court” does not include:

8 (i) [an orphans’] A PROBATE court; or

9 (ii) the Maryland Tax Court.

10 (h) (2) “Practice law” includes:

11 (i) advising in the administration of probate of estates of decedents
12 in [an orphans’] A PROBATE court of the State;

13 **Article – Courts and Judicial Proceedings**

14 1–101.

15 (c) “Court” means the Court of Appeals, Court of Special Appeals, circuit court,
16 and District Court of Maryland, or any of them, unless the context clearly requires a
17 contrary meaning. It does not include [an orphans’] A PROBATE court, or the Maryland
18 Tax Court.

19 1–205.

20 (a) (2) “Court” means the Court of Appeals, the Court of Special Appeals, a
21 circuit court, the District Court of Maryland, and [an orphans’] A PROBATE court.

22 12–101.

23 (f) “Final judgment” means a judgment, decree, sentence, order, determination,
24 decision, or other action by a court, including [an orphans’] A PROBATE court, from which
25 an appeal, application for leave to appeal, or petition for certiorari may be taken.

26 12–201.

27 Except as provided in § 12–202 of this subtitle, in any case or proceeding pending in
28 or decided by the Court of Special Appeals upon appeal from a circuit court or [an orphans’]
29 A PROBATE court or the Maryland Tax Court, any party, including the State, may file in

1 the Court of Appeals a petition for certiorari to review the case or proceeding. The petition
2 may be filed either before or after the Court of Special Appeals has rendered a decision, but
3 not later than the time prescribed by the Maryland Rules. In a case or proceeding described
4 in this section, the Court of Appeals also may issue the writ of certiorari on its own motion.

5 12-308.

6 Except as provided in § 12-307 of this subtitle, the Court of Special Appeals has
7 exclusive initial appellate jurisdiction over any reviewable judgment, decree, order or other
8 action of a circuit court, and [an orphans'] A PROBATE court.

9 12-501.

10 (a) A party may appeal to the Court of Special Appeals from a final judgment of
11 [an orphans'] A PROBATE court.

12 12-502.

13 (a) (1) (i) Instead of a direct appeal to the Court of Special Appeals
14 pursuant to § 12-501 of this subtitle, a party may appeal to the circuit court for the county
15 from a final judgment of [an orphans'] A PROBATE court.

16 (iii) The de novo appeal shall be treated as if it were a new proceeding
17 and as if there had never been a prior hearing or judgment by the [orphans'] PROBATE
18 court.

19 (b) (2) Within 30 days thereafter the register of wills shall transmit all
20 pleadings and orders of the proceedings to the court to which the appeal is taken, unless
21 the [orphans'] PROBATE court from which the appeal is taken extends the time for
22 transmitting these pleadings and orders.

23 12-701.

24 (a) (1) An appeal from [an orphans'] A PROBATE court or a circuit court stays
25 all proceedings in the [orphans'] PROBATE court concerning the issue appealed.

26 (2) An appeal from [an orphans'] A PROBATE court or a circuit court does
27 not stay any proceedings in the [orphans'] PROBATE court that do not concern the issue
28 appealed, if the [orphans'] PROBATE court can provide for conforming to the decision of
29 the appellate court.

30 (3) (i) An appeal from a final order of [an orphans'] A PROBATE court
31 or a circuit court removing a personal representative does not stay an order appointing a
32 successor personal representative or special administrator.

1 (ii) If an appeal is filed from the final order of [an orphans'] A
2 **PROBATE** court or a circuit court removing a personal representative and the court
3 appointed a successor personal representative, the successor personal representative shall
4 have the powers of a special administrator.

5 **Article – Election Law**

6 9–210.

7 (a) The offices to be voted on shall be arranged on the ballot in the following order,
8 as applicable:

9 (7) public offices for which the voters of a county may vote, in the following
10 order:

11 (v) judge of the [orphans'] **PROBATE** court;

12 **Article – Estates and Trusts**

13 1–103.

14 (a) (2) At the expense of the estate, the [orphans'] **PROBATE** court may
15 require or the personal representative may elect to have the first notice given by restricted
16 delivery mail, postage prepaid, return receipt requested, addressed to the addressee at the
17 address last known to the sender, with delivery restricted to the addressee.

18 2–101.

19 In the estates of decedents law, the word court means the [orphans'] **PROBATE** court
20 in a county, or the court exercising the jurisdiction of the [orphans'] **PROBATE** court in a
21 county.

22 2–106.

23 (b) (2) (i) In Baltimore City, a judge of the [Orphans'] **PROBATE** Court
24 who is also an attorney-at-law has full power to do any act which the Court is or may be
25 authorized by law to perform, including the power to hold court on a day not named in an
26 adjournment.

27 (c) In Montgomery County, a judge of the Circuit Court for Montgomery County
28 at the time sitting as the [Orphans'] **PROBATE** Court for the County shall have full power
29 to do an act which the [Orphans'] **PROBATE** Court of the County is or shall be authorized
30 to perform, including the power to hold court on a day not named in an adjournment as
31 provided.

1 (d) Each judge of the Court for Prince George's County shall spend at least three
2 days each week in the conduct of the business of the Court. In Prince George's County, a
3 judge of the [Orphans'] **PROBATE** Court who is also an attorney-at-law has full power to
4 do any act which the Court is or may be authorized to perform, including the power to hold
5 court on a day not named in an adjournment. However, upon request of any interested
6 party, two judges shall be required to act for the Court. If necessary to transact business
7 before the Court, court may be convened 5 days each week.

8 (e) In Harford County, the provisions of subsection (a) of this section do not apply.
9 A judge of the Circuit Court for Harford County shall sit as the [Orphans'] **PROBATE** Court
10 for the County at the time or times established by the judges of the County Circuit Court
11 and shall have full power to do any act which the [Orphans'] **PROBATE** Court of the County
12 is or shall be authorized to perform, including the power to hold court on a day not named
13 in an adjournment.

14 (f) (2) A judge of the [Orphans'] **PROBATE** Court in Baltimore County who is
15 also an attorney-at-law has full power to do any act that the Court is authorized by law to
16 perform, including the power to hold court on a day not named in an adjournment.

17 (i) If [an orphans'] **A PROBATE** court judge of a county is unable to serve for any
18 reason, the Chief Judge of the Court of Appeals may assign, on a temporary basis, [an
19 orphans'] **A PROBATE** court judge of another county to sit for the judge who is unable to
20 serve.

21 2-107.

22 (b) A reference in the estates of decedents law to the chief judge of the court of a
23 county means, with regard to Harford County or Montgomery County, the judge of the
24 circuit court then sitting as the [Orphans'] **PROBATE** Court. A reference to the judges of
25 the court in plural number means, with respect to Harford County or Montgomery County,
26 the judge of the circuit court then sitting as the [Orphans'] **PROBATE** Court, unless the
27 section otherwise specifically provides.

28 2-108.

29 (y) (1) Except in Montgomery, Frederick, Carroll, Talbot, Cecil, Kent, Queen
30 Anne's, Baltimore, Garrett, and Harford counties and Baltimore City, and except as
31 provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the
32 same manner as salaries are paid during active service, to each judge of the [Orphans']
33 **PROBATE** Court who:

- 34 (i) Has terminated active service;
- 35 (ii) Has reached 60 years of age; and
- 36 (iii) Has completed at least two terms of office.

1 (3) [An Orphans'] **A PROBATE** Court judge in Somerset County and
2 Worcester County is eligible for a pension under this subsection only if he is in office on or
3 before July 1, 1979.

4 (4) In Wicomico County, [an Orphans'] **A PROBATE** Court judge who has
5 completed at least 12 years in office is eligible for a pension under this subsection.

6 (5) In Prince George's County, the salary or pension to each [Orphans']
7 **PROBATE** Court judge shall be the greater of:

8 (i) \$1,200 annually; or

9 (ii) An annual amount calculated at the rate of 4 percent of the last
10 annual amount of compensation multiplied by the number of years or partial years of
11 service, not exceeding 20 years.

12 (6) In Allegany County, the pension for [an Orphans'] **A PROBATE** Court
13 judge shall be the greater of:

14 (i) \$1,200 annually; or

15 (ii) 1. Except as provided in item 2 of this subparagraph, an
16 annual amount calculated at the rate of 4 percent of the last annual amount of
17 compensation multiplied by the number of years of service, not exceeding 16 years; or

18 2. An annual amount equal to two-thirds of the last annual
19 amount of compensation if the judge has more than 16 years of service.

20 (8) Notwithstanding any provision of this section [an Orphans'] **A**
21 **PROBATE** Court judge may not receive a pension under this section if he is receiving any
22 other State pension based on service as [an Orphans'] **A PROBATE** Court judge.

23 2-109.

24 (b) This section does not apply:

25 (3) In Baltimore City, to a judge of the Court while practicing law before
26 any court of the State except [an orphans'] **A PROBATE** court; or

27 (4) In Prince George's County, Baltimore County, Calvert County, and
28 Howard County, to a judge of the Court while practicing law in connection with a case that
29 is:

30 (i) Outside the jurisdiction of [orphans'] **THE PROBATE** court; and

(ii) Unrelated to the administration of an estate or guardianship.

5-206.

In a proceeding for administrative or judicial probate the petition for probate shall be in substantially the following form:

In the [Orphans'] PROBATE Court for (or) _____, Maryland
Before the Register of Wills for
in the Estate of:
Estate No. _____

For:

- Regular Estate - Small Estate - Will of No Estate -
Petition for probate, Administration, estate Complete Items 2 and 5
estate value in excess of \$20,000. Complete and value of \$20,000 or less.
attach Schedule - A. Complete and attach
Schedule - B.

The Petition of:

Name Address
Name Address
Name Address

Each of us states:

- 1. I am (a) at least 18 years of age and either a citizen of the United States or a permanent resident alien spouse of the decedent or (b) a trust company or any other corporation authorized by law to act as a personal representative.
2. The decedent, _____, was domiciled in _____ County, State of _____ and died on the _____ day of 20_____, at _____.
3. If the decedent was not domiciled in this county at the time of death, this is the proper office in which to file this petition because: _____.

1 4. I am entitled to priority of appointment as personal representative of the decedent's
2 estate pursuant to § 5-104 of the Estates and Trusts Article, Annotated Code of
3 Maryland because:

4 _____
5 _____

6 and I am not excluded by § 5-105(c) of the Estates and Trusts Article, Annotated
7 Code of Maryland from serving as personal representative.

8 5. I have made a diligent search for the decedent's will and to the best of my knowledge:

- 9 none exists; or
- 10 the will dated _____ (including codicils, if any, dated
11 _____) accompanying this petition is the last will and it came
12 into my hands in the following manner:

13 _____
14 _____

15 and the names and last known addresses of the witnesses are:

16 _____
17 _____
18 _____

19 6. Other proceedings, if any, regarding the decedent or the estate are as follows:

20 _____
21 _____

22 7. If any information required by paragraphs 2 through 6 has not been furnished, the
23 reason is:

24 _____
25 _____

26 8. If appointed, I accept the duties of the office of personal representative and consent
27 to personal jurisdiction in any action brought in this State against me as personal
28 representative or arising out of the duties of the office of personal representative.

29 WHEREFORE, I request appointment as personal representative of the
30 decedent's estate and the following relief as indicated:

- 31 that the will and codicils, if any, be admitted to administrative probate;
- 32 that the will and codicils, if any, be admitted to judicial probate;
- 33 that the will and codicils, if any, be filed only;
- 34 that the following additional relief be granted: _____

35 _____
36 _____

37 I solemnly affirm under the penalties of perjury that the contents of the foregoing
38 petition are true to the best of my knowledge, information, and belief.

39 _____
40 Attorney's Signature Petitioner Date

41 _____
42 Address Petitioner Date

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1 Telephone Number

Telephone Number

2 In the [Orphans'] PROBATE Court for

3 (or) _____, Maryland

4 Before the Register of Wills for

5 in the Estate of:

6 _____ Estate No. _____

7 Schedule – A

8 REGULAR ESTATE

9 Estimated Value of Estate and Unsecured Debts:

10 Personal property (approximate value) \$ _____

11 Real property (approximate value) \$ _____

12 Value of Property subject to:

13 (a) Direct Inheritance Tax of _____% \$ _____

14 (b) Collateral Inheritance Tax of _____% \$ _____

15 (c) Collateral Inheritance Tax of _____% \$ _____

16 Unsecured Debts (approximate amount) \$ _____

17

18 (FOR REGISTER'S USE)

19 Safekeeping Wills _____ Custody of Wills _____

20 Bond Set \$ _____ Deputy _____

21 In the [Orphans'] PROBATE Court for

22 (or) _____, Maryland

23 Before the Register of Wills for

24 in the Estate of:

25 _____ Estate No. _____

26 Schedule – B

27 SMALL ESTATE

28 Assets and Debts of the Decedent:

29 1. I have made a diligent search to discover all property and debts of the decedent and
30 set forth below are:

31 (a) A listing of all real and personal property owned by the decedent, individually
32 or as tenant in common, and of any other property to which the decedent or
33 estate would be entitled, including descriptions, values, and how the values
34 were determined:

35 _____
36 _____
37 _____

38 (b) A listing of all creditors and claimants and the amounts claimed, including
39 secured*, contingent and disputed claims:

40 _____
41 _____
42 _____

43 2. Allowable funeral expenses are \$ _____; statutory family allowances are

1 \$ _____; and expenses of administration are \$ _____.

2 3. Attached is a List of Interested Persons.

3 *Note: § 5–601(d) of the Estates and Trusts Article, Annotated Code of Maryland “For
4 the purpose of this subtitle – Value is determined by fair market value of property less
5 debts of record secured by the property as of the date of death, to the extent that
6 insurance benefits are not payable to the lien holder or secured party for the secured
7 debt.”

8 I solemnly affirm under the penalties of perjury that the contents of the foregoing
9 schedule are true to the best of my knowledge, information, and belief.

10 _____	_____
11 Attorney’s Signature	Petitioner Date
12 _____	_____
13 Address	Petitioner Date
14 _____	_____
15 Telephone Number	Telephone Number

16 5–403.

17 (b) The notice required by this section shall be in the following form:

18 IN THE [ORPHANS’] PROBATE COURT FOR

19 In re:

20 ESTATE OF

21

22 Deceased

23 TO ALL PERSONS INTERESTED IN THE ESTATE OF

24

25 YOU ARE HEREBY NOTIFIED THAT A Petition has been filed in the court by

26 for judicial probate, including the appointment of a personal

27 representative for the estate; and that the Petition will be heard at on the

28 day of, 20., or at a subsequent time or other place to which the hearing may be

29 adjourned or transferred.

30

31 Register of Wills

32 5–708.

33 (a) A modified administration shall be revoked by the:

34 (4) [Orphans’] PROBATE Court, on its own initiative, or for good cause
35 shown by an interested person or by the register of wills;

36 13–105.

1 (a) (1) The [orphans'] **PROBATE** courts and the circuit courts have concurrent
2 jurisdiction over guardians of the person of a minor and over protective proceedings for
3 minors.

4 (2) Upon petition of an interested person, a matter initiated in the
5 [orphans'] **PROBATE** court may be transferred to the circuit court.

6 (c) (1) [An orphans'] **A PROBATE** court may exercise jurisdiction over
7 guardianship of the person of a minor if the presiding judge of the [orphans'] **PROBATE**
8 court is a member of the bar, regardless of whether the minor who is the subject of the
9 petition for guardianship of the person has property, may inherit property, or is destitute.

10 (2) [An orphans'] **A PROBATE** court that exercises jurisdiction or is
11 requested to exercise jurisdiction under this subsection may:

12 (i) Transfer the matter to the circuit court on a finding that the best
13 interests of the child require utilization of the equitable powers of the circuit court; and

14 (ii) Waive the costs, if any, of a transfer under this paragraph.

15 13–106.

16 (a) [An orphans'] **A PROBATE** court has full power to secure the rights of a minor
17 whose estate is being administered by a guardian under its jurisdiction.

18 (b) The [orphans'] **PROBATE** court, under the pretext of incidental power or
19 constructive authority, may not exercise jurisdiction not expressly conferred by law. The
20 [orphans'] **PROBATE** court is governed by the provisions of §§ 2–102 through 2–105 of this
21 article.

22 13–107.

23 If appropriate to proceedings under this title, the powers and duties of the register
24 of wills in proceedings in the [orphans'] **PROBATE** court are the same as the powers and
25 duties of the registers under Title 2, Subtitle 2 of this article.

26 Article – General Provisions

27 5–103.

28 (d) (1) (i) In this paragraph, “individual in the Judicial Branch” includes
29 an individual who is:

30 2. paid by a county to perform services in [an orphans'] **A**
31 **PROBATE** court or circuit court;

Article – Local Government

25–509.

If the property or interest of a minor who does not have a guardian is affected by a watershed project under this subtitle, the [orphans'] **PROBATE** court of the county shall appoint a guardian to protect the interests of the minor.

28–106.

(a) The Commission shall study the salaries of:

(5) the judges of the [Orphans'] **PROBATE** Court for Allegany County; and

28–207.

(a) The Commission shall study the salaries of:

(4) the judges of the [Orphans'] **PROBATE** Court for Washington County;

Article – Real Property

2–122.

(c) (1) A grant of property by deed to a grantee designated in the deed as an estate of a decedent, including the estate of a nonresident decedent, has the same effect as if the grantor had granted the property to:

(i) The personal representative or personal representatives appointed by a register of wills or [orphans'] **PROBATE** court in the State for the estate and acting as the personal representative on the effective date of the deed; or

(ii) A foreign personal representative exercising the powers of the office for the estate of a nonresident decedent on the effective date of the deed.

(2) If executed by the person or persons indicated in item (i) or (ii) of this paragraph as applicable, a grant of property by deed from a grantor designated in the deed as an estate of a decedent, including the estate of a nonresident decedent, has the same effect as if the grantee had received the property from:

(i) The personal representative or personal representatives appointed by a register of wills or [orphans'] **PROBATE** court in the State for the estate and acting as the personal representative on the effective date of the deed; or

(ii) A foreign personal representative exercising the powers of the office for the estate of a nonresident decedent on the effective date of the deed.

Article – State Government

1
2 7–216.

3 (c) The Administrator shall provide, without charge:

4 (3) to a judge of a State court except the [orphans'] **PROBATE** court, 1 copy
5 of:

6 (i) the current Code of Maryland Regulations; and

7 (ii) each issue of the Register that the judge requests.

8 12–101.

9 (a) In this subtitle, unless the context clearly requires otherwise, “State
10 personnel” means:

11 (12) a judge of [an orphans'] **A PROBATE** court of a county or Baltimore City,
12 or an employee of [an orphans'] **A PROBATE** court;

Article – State Personnel and Pensions

13
14 21–307.

15 (n) (1) In this section, “elected or appointed official” means an individual who
16 is employed as:

17 (v) [an orphans'] **A PROBATE** court judge;

Article – Tax – General

18
19 7–101.

20 (b) “Court” means:

21 (1) the [Orphans'] **PROBATE** Court of a county; or

22 (2) a court of the State that exercises the jurisdiction of [an Orphans'] **A**
23 **PROBATE** Court.

24 13–302.

25 (c) If a person fails to comply with a subpoena or fails to testify on any matter on
26 which the person lawfully may be interrogated, on petition of a tax collector, a circuit court
27 or, if the subpoena is issued under authority of [an orphans'] **A PROBATE** court, the

1 [orphans'] PROBATE court may pass an order directing compliance with the subpoena or
2 compelling testimony.

3 13-510.

4 (a) Except as provided in subsection (b) of this section and subject to § 13-514 of
5 this subtitle, within 30 days after the date on which a notice is mailed, a person or
6 governmental unit that is aggrieved by the action in the notice may appeal to the Tax Court
7 from:

8 (3) an inheritance tax determination by a register or by [an orphans'] A
9 PROBATE court other than a circuit court sitting as [an orphans'] A PROBATE court;

10 13-511.

11 A register, on behalf of the State, or a person in interest may appeal to the Court of
12 Special Appeals from an order or determination of [an orphans'] A PROBATE court or a
13 court exercising the jurisdiction of the [orphans'] PROBATE court that relates to the
14 inheritance tax.

15 SECTION 3. AND BE IT FURTHER ENACTED, That letterhead, business cards,
16 and other documents reflecting the renaming of the orphan's court to be the probate court
17 may not be used until all letterhead, business cards, and other documents already in print
18 and reflecting the name of the court before the effective date of this Act have been used.

19 SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly
20 determines that the amendment to the Maryland Constitution proposed by this Act affects
21 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
22 Constitution concerning local approval of constitutional amendments do not apply.

23 SECTION 5. AND BE IT FURTHER ENACTED, That the foregoing section
24 proposed as an amendment to the Maryland Constitution shall be submitted to the
25 qualified voters of the State at the next general election to be held in November 2016 for
26 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
27 general election, the vote on this proposed amendment to the Constitution shall be by
28 ballot, and upon each ballot there shall be printed the words "For the Constitutional
29 Amendment" and "Against the Constitutional Amendment," as now provided by law.
30 Immediately after the election, all returns shall be made to the Governor of the vote for and
31 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
32 and further proceedings had in accordance with Article XIV.

33 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
34 contingent on the passage of Section 1 of this Act, a constitutional amendment, and its
35 ratification by the voters of the State.

36 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of
37 Section 6 of this Act, Section 2 of this Act shall take effect on the proclamation of the

1 Governor that the constitutional amendment, having received a majority of the votes cast
2 at the general election, has been adopted by the people of Maryland.

3 SECTION 8. AND BE IT FURTHER ENACTED, That the publishers of the
4 Annotated Code of Maryland, in consultation with and subject to the approval of the
5 Department of Legislative Services, shall correct any references throughout the Annotated
6 Code that are rendered incorrect by this Act with no further action required by the General
7 Assembly. The publishers shall adequately describe any such correction in an editor's note
8 following the section affected.