

SB0420/208777/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 420
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Estates” insert “and Trusts”; in the same line, strike “Modified Administration – Payment of”; in lines 2 and 3, strike “Without Court Approval” and substitute “Allowance – Modified Administration”; strike beginning with “providing” in line 4 down through “expenses” in line 7 and substitute “increasing the maximum amount that a court may allow for certain funeral expenses; establishing that, if an estate is solvent, a personal representative is not required to obtain an allowance by the court for funeral expenses if the estate is under modified administration and the funeral expenses are included on a certain report; providing for the application of this Act; and generally relating to an allowance for funeral expenses”; and in line 10, strike “8-106(c)” and substitute “8-106”.

AMENDMENT NO. 2

On page 1, after line 16 insert:

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

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

and in line 19, strike “\$10,000” and substitute “**\$15,000**”.

(Over)

On page 2, after line 6, insert:

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

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

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

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

and in line 7, strike “2.” and substitute “3.”.