

HOUSE BILL 1336

N2

6lr3072

By: ~~Delegate S. Howard~~ Delegates S. Howard, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pendergrass, Pena-Melnyk, Rose, Saab, Sample-Hughes, West, and K. Young

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2016

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Notice Requirement – Method of Delivery**

3 FOR the purpose of repealing certain exceptions to certain notice requirements for certain
4 estate matters if certain laws or rules require a different method of delivery;
5 repealing a certain provision of law that authorizes the orphans' court to require or
6 the personal representative to elect delivery of notice in a certain manner at the
7 expense of the estate; repealing a provision of law that requires certain proof of
8 reasonable efforts to give notice under certain circumstances; providing for the
9 application of this Act; making stylistic changes; and generally relating to notice
10 requirements for matters relating to estates of decedents.

11 BY repealing and reenacting, with amendments,
12 Article – Estates and Trusts
13 Section 1–103
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2015 Supplement)

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

18 **Article – Estates and Trusts**

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 1-103.

2 (a) [(1) Unless personal service or some other method of notice is expressly
3 required in this article or by the Maryland Rules, the] **THE** first notice required to be given
4 a person is sufficient if deposited as first-class mail, postage prepaid, addressed to the
5 addressee at the address last known to the sender.

6 [(2) At the expense of the estate, the orphans' court may require or the
7 personal representative may elect to have the first notice given by restricted delivery mail,
8 postage prepaid, return receipt requested, addressed to the addressee at the address last
9 known to the sender, with delivery restricted to the addressee.]

10 (b) A subsequent notice is sufficient if deposited as first-class mail, postage
11 prepaid, addressed to the same address at which the first notice was received or, after notice
12 in writing from the addressee of a change of address, to [his] **THE** new address.

13 [(c) If no return receipt is received apparently signed by the addressee, and there
14 is no proof of actual notice, no action taken in a proceeding may prejudice the rights of the
15 person entitled to notice unless proof is made by verified writing to the satisfaction of the
16 court or register that reasonable efforts to locate the addressee and warn him of the
17 pendency of the action have been made.

18 (d) **(C)** If the person to whom notice is sent is a minor or disabled person, and
19 the minority or disability was not known to the sender at the time of the first notice, but
20 was later discovered, any subsequent notice shall be sent to the judicially appointed
21 guardian, if any, or, if none, the parent of the minor or disabled person, or other person who
22 has assumed responsibility for the minor or disabled person.

23 [(e) **(D)** **(1)** A person, including a guardian or a guardian ad litem, may waive
24 notice by a writing signed by [him] **THE PERSON** or [his] **THE PERSON'S** attorney and
25 filed in the proceeding.

26 **(2)** A personal representative is not required to give notice to
27 [himself] **THE PERSONAL REPRESENTATIVE**.

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2016.