

SB0466/786585/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 466
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 6 down through “poverty” in line 7 and substitute “the personal representative is represented by an attorney retained through a certain program, the program provides the register with a certain statement, the attorney provides a certain certification, the personal representative submits a certain affidavit, and the estate meets certain criteria for administration”.

AMENDMENT NO. 2

On page 2, in line 5, strike “AN HEIR” and substitute “A SPOUSE, DESCENDANT, SIBLING, OR DESCENDANT OF A SIBLING”; and strike beginning with “AND” in line 9 down through “POVERTY” in line 11 and substitute:

“(II) THE PERSONAL REPRESENTATIVE IS REPRESENTED BY AN ATTORNEY RETAINED THROUGH A PRO BONO OR LEGAL SERVICES PROGRAM THAT IS ON THE LIST OF PROGRAMS SERVING LOW-INCOME INDIVIDUALS SUBMITTED BY THE MARYLAND LEGAL SERVICES CORPORATION TO THE STATE COURT ADMINISTRATOR AND PUBLISHED ON THE JUDICIARY WEBSITE;

“(III) AN AUTHORIZED AGENT OF THE PRO BONO OR LEGAL SERVICES PROGRAM PROVIDES THE REGISTER WITH A STATEMENT THAT:

1. INCLUDES THE NAMES OF THE PROGRAM, ATTORNEY, AND PARTY; AND

(Over)

2. STATES THAT THE ATTORNEY IS ASSOCIATED WITH THE PROGRAM AND THAT THE PARTY MEETS THE FINANCIAL ELIGIBILITY CRITERIA OF THE MARYLAND LEGAL SERVICES CORPORATION;

(IV) THE ATTORNEY CERTIFIES, TO THE BEST OF THE ATTORNEY'S KNOWLEDGE, INFORMATION, AND BELIEF, THAT THERE ARE GOOD GROUNDS TO SUPPORT THE REQUEST FOR THE WAIVER AND THAT THE REQUEST IS NOT BEING MADE FOR ANY IMPROPER PURPOSE OR TO CAUSE DELAY;

(V) IF THE REAL PROPERTY IS TO BE TRANSFERRED TO AN INDIVIDUAL DESCRIBED UNDER ITEM (I)1 OF THIS PARAGRAPH, THE PERSONAL REPRESENTATIVE SUBMITS AN AFFIDAVIT STATING THAT THE PROBATE ASSETS INCLUDE REAL PROPERTY ON WHICH A SPOUSE, DESCENDANT, SIBLING, OR DESCENDANT OF A SIBLING RESIDES; AND

(VI) THE ESTATE MEETS THE CRITERIA FOR ADMINISTRATION AS:

1. A SMALL ESTATE; OR
2. A REGULAR ESTATE:
 - A. WITH A VALUE NOT EXCEEDING \$150,000; AND
 - B. IN WHICH THE ONLY PROBATE ASSET IS THE REAL PROPERTY SUBJECT TO TRANSFER OR SALE” .