

# SENATE BILL 164

N2

(PRE-FILED)

4r1367  
CF 4r2095

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By: **Senator West**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Interested Person – Definition**

3 FOR the purpose of altering the definition of “interested person” for purposes of provisions  
4 of law governing the estates of decedents, guardians of persons and property, trusts,  
5 and powers of attorney; and generally relating to interested persons.

6 BY repealing and reenacting, without amendments,  
7 Article – Estates and Trusts  
8 Section 1–101(a)  
9 Annotated Code of Maryland  
10 (2022 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Estates and Trusts  
13 Section 1–101(j)  
14 Annotated Code of Maryland  
15 (2022 Replacement Volume and 2023 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**

19 1–101.

20 (a) In this article the following words have the meanings indicated.

21 (j) (1) “Interested person” means:

22 (i) A person named as executor in a will;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) A person serving as personal representative after judicial or  
2 administrative probate;

3 (iii) A legatee in being, [not fully paid,] whether the legatee's interest  
4 is vested or contingent, **EXCEPT THAT A LEGATEE WHOSE INTEREST HAS BEEN FULLY**  
5 **PAID OR FULLY ADEEMED CEASES TO BE AN "INTERESTED PERSON" ON RECEIPT OF**  
6 **PAYMENT OR NOTICE OF THE ADEPTION;**

7 (iv) An heir even if the decedent dies testate, except that an heir of a  
8 testate decedent ceases to be an "interested person" when the register has given notice  
9 pursuant to § 2-210 or § 5-403(a) of this article; [or]

10 (v) An heir or legatee whose interest is contingent solely on whether  
11 some other heir or legatee survives the decedent by a stated period if the other heir or  
12 legatee has died within that period;

13 **(VI) A SURVIVING SPOUSE WHO HAS TIMELY FILED AN ELECTION**  
14 **TO TAKE AN ELECTIVE SHARE UNDER § 3-403 OF THIS ARTICLE, EXCEPT THAT THE**  
15 **SURVIVING SPOUSE CEASES TO BE AN "INTERESTED PERSON" ON THE ELECTION**  
16 **BEING WITHDRAWN OR RULED INEFFECTIVE BY A COURT OF COMPETENT**  
17 **JURISDICTION; OR**

18 **(VII) A PERSON WHO TIMELY FILES A PETITION TO CAVEAT**  
19 **UNDER § 5-207 OF THIS ARTICLE, EXCEPT THAT THE PERSON CEASES TO BE AN**  
20 **"INTERESTED PERSON" ONCE THE CAVEAT PROCEEDING HAS BEEN DISPOSED OF.**

21 (2) "Interested person" includes:

22 (i) A minor or other person under a disability; or

23 (ii) The judicially appointed guardian, committee, conservator or  
24 trustee for such person, if any, and if none, then the parent or other person having assumed  
25 responsibility for such person.

26 **(3) "INTERESTED PERSON" DOES NOT INCLUDE AN ASSIGNEE OF A**  
27 **LEGATEE OR AN HEIR.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2024.