
By: Senators Frosh and Kelley

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Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Probate Reform Act**

3 FOR the purpose of authorizing a personal representative of a decedent's estate to serve
4 without continuing supervision by the court or register of wills under certain
5 circumstances; providing that a personal representative in unsupervised
6 administration is not required to file inventories, accounts, or petitions for
7 commissions or attorneys' fees otherwise required to be filed in a probate
8 proceeding; requiring a personal representative in unsupervised administration to
9 provide each interested person inventories and accounts on request; requiring a
10 personal representative in unsupervised administration to provide each interested
11 person a copy of each application to pay inheritance tax filed; requiring a personal
12 representative in unsupervised administration to provide certain copies of certain
13 documents to certain creditors under certain circumstances; requiring the register
14 of wills to include with the notice of appointment forwarded to each heir and
15 legatee certain information regarding administration of estates; providing that the
16 value of any real property included in an estate may be established by using the
17 value of the property for property tax purposes, subject to the right of any interested
18 person to require an independent appraisal of the real property; authorizing a
19 personal representative in unsupervised administration to provide to certain
20 persons certain notice of certain proposed distributions or payments; providing that
21 in unsupervised administration certain payments and distributions are not subject to
22 court review and approval except under certain circumstances; authorizing a
23 personal representative in unsupervised administration to close the estate and
24 terminate the appointment in a certain manner; defining certain terms; providing
25 that for inheritance tax purposes the value of property that passes from a decedent
26 is the value at the date of the decedent's death; requiring a person required to pay
27 inheritance tax to file an application to pay inheritance tax with the register and pay
28 the inheritance tax within a certain time after the decedent's death, with certain
29 exceptions; requiring the Attorney General, in cooperation with the registers, to
30 design an application to pay inheritance tax and to develop certain forms; requiring
31 a personal representative who files an application to pay inheritance tax to provide
32 a copy to any interested person in the probate proceeding on request; providing an
33 addition modification under the income tax for certain expenses claimed as a
34 deduction for inheritance tax purposes; providing that any information in an
35 application to pay inheritance tax or an inheritance tax information report is tax
36 information subject to certain confidentiality requirements; providing for the

2

1 application of this Act; and generally relating to the inheritance tax and
2 authorization for certain personal representatives to serve without continuing
3 supervision by the court or register of wills under certain circumstances.

4 BY repealing and reenacting, without amendments,

5 Article - Estates and Trusts
6 Section 1-101(h)
7 Annotated Code of Maryland
8 (1991 Replacement Volume and 1996 Supplement)

9 BY adding to

10 Article - Estates and Trusts
11 Section 1-101(u-1), 2-206(b)(5), 2-211(c-1), 7-106, 7-202(e), 7-502(d), 7-503,
12 7-601(e), 7-602(d), and 10-101.1
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Estates and Trusts
17 Section 2-210, 5-203, 5-206, 7-101(b), 7-201, 7-203, 7-301, 7-307(a), and
18 10-103(a)
19 Annotated Code of Maryland
20 (1991 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Tax - General
23 Section 7-204(a), 7-207, 7-210(b) and (c), 7-214, 7-219(a), 7-225, 13-201,
24 13-601(b) and (c), 13-701, and 13-806(b)(1)
25 Annotated Code of Maryland
26 (1988 Volume and 1996 Supplement)

27 BY repealing

28 Article - Tax - General
29 Section 7-215 and 7-217
30 Annotated Code of Maryland
31 (1988 Volume and 1996 Supplement)

32 BY adding to

33 Article - Tax - General
34 Section 7-102, 7-215, and 10-205(h)
35 Annotated Code of Maryland
36 (1988 Volume and 1996 Supplement)

37 BY repealing and reenacting, without amendments,

38 Article - Tax - General

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1 Section 10-205(a) and 13-601(a)
2 Annotated Code of Maryland
3 (1988 Volume and 1996 Supplement)

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

6 **Article - Estates and Trusts**

7 1-101.

8 (h) "Interested person" is:

9 (1) A person named as executor in a will;

10 (2) A person serving as personal representative after judicial or
11 administrative probate;

12 (3) A legatee in being, not fully paid, whether his interest is vested or
13 contingent;

14 (4) An heir even if the decedent dies testate, except that an heir of a testate
15 decedent ceases to be an "interested person" when the register has given notice pursuant
16 to § 2-210 or § 5-403(a).

17 Interested person includes a person as above defined who is (a) a minor or other
18 person under a disability, or (b) the judicially appointed guardian, committee, conservator
19 or trustee for such person, if any, and if none, then the parent or other person having
20 assumed responsibility for such person.

21 An heir or legatee whose interest is contingent solely on whether some other heir or
22 legatee survives the decedent by a stated period is an interested person but only after the
23 other heir or legatee has died within that period.

24 (U-1) "UNSUPERVISED ADMINISTRATION" MEANS THE ADMINISTRATION OF A
25 DECEDENT'S ESTATE UNDER THIS ARTICLE AS AUTHORIZED UNDER § 7-106 OF THIS
26 ARTICLE.

27 2-206.

28 (b) (5) NOTWITHSTANDING PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,
29 IN UNSUPERVISED ADMINISTRATION:

30 (I) THE VALUE OF THE PROBATE ESTATE IS THE SUM OF THE
31 VALUE OF ALL THE PROBATE ASSETS AT THE DATE OF DEATH, BEFORE THE
32 DEDUCTION OF ANY EXPENSES, AS REFLECTED IN THE APPLICATION TO PAY
33 INHERITANCE TAX FILED WITH THE REGISTER UNDER TITLE 7, SUBTITLE 2 OF THE
34 TAX - GENERAL ARTICLE; AND

35 (II) THE REGISTER SHALL ASSESS AND COLLECT THE PROBATE
36 FEE WHEN THE APPLICATION TO PAY INHERITANCE TAX IS FILED.

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1 2-210.

2 (A) Within five days after receiving the text of the first published newspaper
3 notice as provided in § 7-103 OF THIS ARTICLE and the written notice from the personal
4 representative of the names and addresses of the heirs and legatees as provided in §
5 7-104 OF THIS ARTICLE, the register shall forward to each such person a copy of the
6 newspaper notice published according to § 7-104 OF THIS ARTICLE, in the manner
7 prescribed in § 1-103 (a) OF THIS ARTICLE, directed according to the information
8 received from the personal representative.

9 (B) THE REGISTER SHALL INCLUDE WITH THE NOTICE FORWARDED UNDER
10 SUBSECTION (A) OF THIS SECTION TO EACH HEIR AND LEGATEE IDENTIFIED BY THE
11 PERSONAL REPRESENTATIVE UNDER § 7-104 OF THIS ARTICLE THE FOLLOWING
12 GENERAL INFORMATION IN A FORM DEVELOPED BY THE ATTORNEY GENERAL IN
13 COOPERATION WITH THE REGISTERS:

14 (1) THE TYPICAL DUTIES OF A PERSONAL REPRESENTATIVE IN ESTATE
15 ADMINISTRATION, INCLUDING A DESCRIPTION OF THE ESSENTIAL STEPS OF ESTATE
16 ADMINISTRATION, WHETHER THE PERSONAL REPRESENTATIVE IS SUBJECT TO
17 CONTINUING COURT SUPERVISION OR SERVES IN UNSUPERVISED ADMINISTRATION
18 UNDER § 7-106 OF THIS ARTICLE;

19 (2) HOW FEES FOR ESTATE ADMINISTRATION ARE DETERMINED;

20 (3) THE RIGHTS OF HEIRS OR LEGATEES, WHETHER THE PERSONAL
21 REPRESENTATIVE IS SUBJECT TO CONTINUING COURT SUPERVISION OR SERVES IN
22 UNSUPERVISED ADMINISTRATION; AND

23 (4) IF THE PERSONAL REPRESENTATIVE IS NOT SUBJECT TO
24 CONTINUING SUPERVISION BY THE COURT AND THE REGISTER OF WILLS, THE
25 RIGHT OF ANY INTERESTED PERSON TO:

26 (I) REQUEST CONTINUING SUPERVISION BY THE COURT AND THE
27 REGISTER OF WILLS; AND

28 (II) WITHOUT SEEKING SUPERVISED ADMINISTRATION, TO SEEK
29 COURT RESOLUTION OF ANY MATTER ARISING IN THE COURSE OF UNSUPERVISED
30 ADMINISTRATION.

31 2-211.

32 (C-1) IN UNSUPERVISED ADMINISTRATION, IF NO OBJECTIONS TO THE CLOSING
33 OF THE ESTATE HAVE BEEN FILED WITHIN 60 DAYS AFTER THE NOTICE OF INTENT
34 TO CLOSE THE ESTATE HAS BEEN SENT UNDER § 10-101.1 OF THIS ARTICLE OR IF
35 INTERESTED PERSONS HAVE WAIVED THE RIGHT TO OBJECT, THE CERTIFICATE OF
36 COMPLETION SHALL BE RECORDED BY THE REGISTER IN THE ADMINISTRATION
37 PROCEEDINGS RECORD BOOK AND INDEXED UNDER THE NAME OF THE DECEDENT.

38 5-203.

39 (A) The petition shall indicate whether the petitioner elects administrative or
40 judicial probate.

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1 (B) THE PETITION MAY INCLUDE A REQUEST FOR UNSUPERVISED
2 ADMINISTRATION IF THE REQUIREMENTS OF § 7-106 OF THIS ARTICLE ARE MET.

3 5-206.

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

6 In the Matter of

7

8 Deceased

9 Before the Register of Wills for

10

11 PETITION FOR PROBATE

12 The Petition of shows:

13 1., the decedent, who resided at in County, State of
14 died at on

15 2. The decedent died (with) (without) a will.

16 3. Petitioner is entitled to be appointed personal representative TO SERVE IN
17 (UNSUPERVISED) (SUPERVISED) ADMINISTRATION of the decedent's estate under §
18 5-104 of the Estates and Trusts Article of the Maryland Code for the following reasons:

19

20

21 (IF PETITION INCLUDES A REQUEST FOR UNSUPERVISED ADMINISTRATION,
22 INCLUDE BASIS OF AUTHORIZATION FOR UNSUPERVISED ADMINISTRATION)

23 4. This is the proper office in which to file the Petition because:

24

25

26 5. The Petitioner has made a diligent search for a will of the decedent and, to the
27 best of the knowledge of the Petitioner, (the will accompanying this Petition dated
28 is the decedent's latest will, and said will came into Petitioner's hands in the
29 following manner) (none exists):

30

31

32 6. If the decedent died with a will, the names and addresses of all witnesses are:

33

34

35 7. All other proceedings regarding the decedent's estate are as follows:

36

37

38 8. The reason why any information required to be furnished by §§ 5-201 and
39 5-202 of the Estates and Trusts Article has not been furnished, is as follows:

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3 WHEREFORE, the Petitioner prays that he be granted letters appointing him
4 personal representative TO SERVE IN (UNSUPERVISED) (SUPERVISED)
5 ADMINISTRATION of the decedent's estate and that the will, if any, be admitted to
6 (administrative) (judicial) probate, and that the following additional relief be granted:

7 I (we) do hereby solemnly declare and affirm under the penalties of perjury that the
8 information and representations contained in the Petition are true and correct according
9 to my (our) knowledge, information, and belief.

10

11 (Signature)

12 7-101.

13 (b) (1) [Unless] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
14 SUBSECTION, UNLESS the time of distribution is extended by order of court for good
15 cause shown, the personal representative shall distribute all the assets of the estate of
16 which he has taken possession or control within [the time provided in § 7-305 for
17 rendering his first account] 9 MONTHS FROM THE DATE OF THE APPOINTMENT OF
18 THE PERSONAL REPRESENTATIVE.

19 (2) IN UNSUPERVISED ADMINISTRATION, A PERSONAL
20 REPRESENTATIVE MAY EXTEND THE TIME OF DISTRIBUTION WITHOUT A COURT
21 ORDER UNLESS AN INTERESTED PERSON OBJECTS IN WRITING.

22 7-106.

23 (A) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THERE SHALL BE
24 UNSUPERVISED ADMINISTRATION OF AN ESTATE AS PROVIDED UNDER THIS
25 SECTION TO THE EXTENT SPECIFICALLY AUTHORIZED:

26 (1) BY THE WILL OF A TESTATE DECEDENT; OR

27 (2) UNLESS THE WILL EXPRESSLY PROHIBITS UNSUPERVISED
28 ADMINISTRATION, BY WRITTEN AUTHORIZATIONS SIGNED BY ALL INTERESTED
29 PERSONS, NOT INCLUDING HEIRS OF A TESTATE DECEDENT.

30 (B) (1) A STATEMENT IN A WILL THAT THE PERSONAL REPRESENTATIVE
31 MAY ACT WITHOUT APPLICATION TO ANY COURT SHALL BE CONSTRUED TO
32 AUTHORIZE THE PERSONAL REPRESENTATIVE TO SERVE IN UNSUPERVISED
33 ADMINISTRATION UNDER THIS SECTION.

34 (2) A WRITTEN AUTHORIZATION BY AN INTERESTED PERSON UNDER
35 SUBSECTION (A)(2) OF THIS SECTION SHALL BE IN THE FORM DEVELOPED BY THE
36 ATTORNEY GENERAL IN COOPERATION WITH THE REGISTERS AND SHALL INCLUDE:

37 (I) AN ACKNOWLEDGMENT THAT IN UNSUPERVISED
38 ADMINISTRATION:

39 1. THE PERSONAL REPRESENTATIVE GENERALLY SERVES
40 WITHOUT CONTINUING SUPERVISION BY THE COURT OR THE REGISTER OF WILLS;

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1 2. INVENTORIES AND ACCOUNTS WILL NOT BE FILED WITH
2 OR SUBJECT TO THE REVIEW OR APPROVAL OF THE COURT OR THE REGISTER OF
3 WILLS;

4 3. THE PERSONAL REPRESENTATIVE IS REQUIRED TO
5 PROVIDE INVENTORIES AND ACCOUNTS TO THE INTERESTED PERSON ONLY IF
6 REQUESTED BY THE INTERESTED PERSON; AND

7 4. THE REASONABLENESS OF COMPENSATION TO THE
8 PERSONAL REPRESENTATIVE AND TO AN ATTORNEY OR OTHER AGENTS EMPLOYED
9 BY THE PERSONAL REPRESENTATIVE IS NOT SUBJECT TO THE REVIEW OR
10 APPROVAL OF THE COURT OR THE REGISTER OF WILLS; AND

11 (II) A STATEMENT THAT THE INTERESTED PERSON IS AWARE OF
12 THE INTERESTED PERSON'S RIGHT AT ANY TIME DURING THE ADMINISTRATION OF
13 THE ESTATE:

14 1. TO REQUIRE SUPERVISED ADMINISTRATION, UNDER
15 WHICH INVENTORIES AND ACCOUNTS AND THE REASONABLENESS OF
16 COMPENSATION TO THE PERSONAL REPRESENTATIVE AND TO ANY ATTORNEY OR
17 OTHER AGENT ARE SUBJECT TO REVIEW AND APPROVAL BY THE COURT; OR

18 2. WITHOUT DEMANDING SUPERVISED ADMINISTRATION,
19 TO REQUEST THE COURT TO REVIEW AND RESOLVE ANY QUESTION OR
20 CONTROVERSY ARISING DURING THE COURSE OF THE UNSUPERVISED
21 ADMINISTRATION, INCLUDING THE REASONABLENESS OF ANY COMPENSATION
22 PAID TO THE PERSONAL REPRESENTATIVES OR ANY ATTORNEY OR OTHER AGENT.

23 (C) THE WRITTEN AUTHORIZATIONS OF INTERESTED PERSONS UNDER
24 SUBSECTION (A)(2) OF THIS SECTION:

25 (1) SHALL BE FILED WITH THE PETITION FOR PROBATE; OR

26 (2) MAY BE FILED AT ANY TIME BEFORE THE ESTATE IS CLOSED.

27 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE AND SUBJECT
28 TO PARAGRAPH (2) OF THIS SUBSECTION, IN UNSUPERVISED ADMINISTRATION THE
29 PERSONAL REPRESENTATIVE:

30 (I) IS NOT REQUIRED TO FILE WITH THE COURT OR REGISTER
31 THE INVENTORIES, APPRAISALS, ACCOUNTS, PETITIONS FOR THE PERSONAL
32 REPRESENTATIVE'S COMMISSIONS OR FOR AN ATTORNEY'S FEE, OR NOTICE WITH
33 RESPECT TO THE PERSONAL REPRESENTATIVE'S COMMISSIONS OR AN ATTORNEY'S
34 FEE OTHERWISE REQUIRED TO BE FILED UNDER THIS TITLE; AND

35 (II) IS NOT SUBJECT TO CONTINUING SUPERVISION BY THE COURT
36 OR REGISTER OF WILLS.

37 (2) (I) A PERSONAL REPRESENTATIVE IN UNSUPERVISED
38 ADMINISTRATION SHALL PROVIDE TO EACH INTERESTED PERSON A COPY OF EACH
39 APPLICATION TO PAY INHERITANCE TAX FILED BY THE PERSONAL
40 REPRESENTATIVE UNDER TITLE 7, SUBTITLE 2 OF THE TAX - GENERAL ARTICLE.

1 (II) ON THE REQUEST OF ANY INTERESTED PERSON, A PERSONAL
2 REPRESENTATIVE IN UNSUPERVISED ADMINISTRATION SHALL MAIL OR DELIVER
3 TO THE INTERESTED PERSON A COPY OF EACH INVENTORY, APPRAISAL, OR
4 ACCOUNT OTHERWISE REQUIRED TO BE FILED UNDER THIS TITLE.

5 (III) IF THE CLAIM OF A CREDITOR WHO HAS FILED A CLAIM
6 UNDER § 8-104 OF THIS ARTICLE IS STILL OPEN 6 MONTHS AFTER THE DATE OF THE
7 APPOINTMENT OF THE PERSONAL REPRESENTATIVE, ON THE WRITTEN REQUEST OF
8 THE CREDITOR, A PERSONAL REPRESENTATIVE SHALL MAIL OR DELIVER TO THE
9 CREDITOR:

10 1. A COPY OF EACH INVENTORY OTHERWISE REQUIRED TO
11 BE FILED UNDER THIS TITLE OR, AT THE OPTION OF THE PERSONAL
12 REPRESENTATIVE, A COPY OF EACH APPLICATION TO PAY INHERITANCE TAX FILED
13 BY THE PERSONAL REPRESENTATIVE UNDER TITLE 7, SUBTITLE 2 OF THE
14 TAX - GENERAL ARTICLE; AND

15 2. A COPY OF EACH ACCOUNT OTHERWISE REQUIRED TO
16 BE FILED UNDER THIS TITLE.

17 (E) (1) AT ANY TIME BEFORE AN ESTATE UNDER UNSUPERVISED
18 ADMINISTRATION IS CLOSED:

19 (I) AT THE WRITTEN REQUEST OF ANY INTERESTED PERSON, THE
20 COURT SHALL REVIEW AND RESOLVE ANY MATTER CONCERNING THE ESTATE OR
21 ITS ADMINISTRATION; OR

22 (II) AT THE WRITTEN REQUEST OF ANY INTERESTED PERSON,
23 WITH OR WITHOUT CAUSE, THE AUTHORIZATION FOR UNSUPERVISED
24 ADMINISTRATION SHALL BE REVOKED AND CONTINUING SUPERVISION BY THE
25 COURT AND REGISTER OF WILLS AS OTHERWISE PROVIDED IN THIS ARTICLE SHALL
26 BE IMPOSED ON THE ADMINISTRATION OF THE ESTATE.

27 (2) (I) IF THE CLAIM OF A CREDITOR WHO HAS FILED A CLAIM
28 UNDER § 8-104 OF THIS ARTICLE IS STILL OPEN 9 MONTHS AFTER THE DATE OF THE
29 APPOINTMENT OF THE PERSONAL REPRESENTATIVE, THE CREDITOR MAY PETITION
30 THE COURT TO REVOKE THE AUTHORIZATION FOR UNSUPERVISED
31 ADMINISTRATION.

32 (II) IF THE COURT FINDS THAT REVOCATION IS NECESSARY FOR
33 THE PROTECTION OF THE CREDITOR, THE COURT MAY REVOKE THE
34 AUTHORIZATION FOR UNSUPERVISED ADMINISTRATION.

35 (3) (I) IF AUTHORIZATION FOR UNSUPERVISED ADMINISTRATION IS
36 REVOKED UNDER THIS SUBSECTION, AS TO ALL PAYMENTS AND DISTRIBUTIONS
37 MADE BY THE PERSONAL REPRESENTATIVE OF WHICH THE PERSONAL
38 REPRESENTATIVE HAS PROVIDED NOTICE IN ACCORDANCE WITH § 7-502 OR § 7-503
39 OF THIS TITLE, THE CHANGE TO SUPERVISED ADMINISTRATION SHALL BE
40 PROSPECTIVE ONLY.

41 (II) IF AUTHORIZATION FOR UNSUPERVISED ADMINISTRATION IS
42 REVOKED, THE PERSONAL REPRESENTATIVE SHALL FILE ALL INVENTORIES,

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1 APPRAISALS, ACCOUNTS, AND PETITIONS OTHERWISE REQUIRED UNDER THIS
2 ARTICLE FOR THE ADMINISTRATION OF AN ESTATE, ON OR BEFORE THE LATER OF:

- 3 1. 60 DAYS AFTER NOTICE OF THE REVOCATION; OR
- 4 2. THE DATE OTHERWISE REQUIRED UNDER THIS ARTICLE.

5 (III) EXCEPT IN THE CASE OF FRAUD, MATERIAL MISTAKE, OR
6 SUBSTANTIAL IRREGULARITY, AN ACTION OF THE PERSONAL REPRESENTATIVE
7 BEFORE THE REVOCATION MAY NOT BE SET ASIDE BY THE COURT SOLELY BECAUSE
8 OF THE CHANGE TO SUPERVISED ADMINISTRATION.

9 (4) AFTER AUTHORIZATION FOR UNSUPERVISED ADMINISTRATION
10 HAS BEEN REVOKED UNDER THIS SUBSECTION, IF ALL INTERESTED PERSONS
11 CONSENT, THE COURT IN ITS DISCRETION MAY ALLOW A RETURN TO
12 UNSUPERVISED ADMINISTRATION.

13 7-201.

14 (A) Subject to the provisions of § 7-205 [and] OF THIS SUBTITLE AND EXCEPT
15 AS PROVIDED IN § 7-106 OF THIS TITLE, within three months after his appointment, a
16 personal representative shall prepare and file an inventory of property owned by the
17 decedent at the time of his death, listing each item in reasonably descriptive detail, and
18 indicating its fair market value as of the date of the death of the decedent, and the type
19 and amount of any encumbrance that may exist with reference to the item.

20 (B) The inventory shall include:

21 (1) Real property;

22 (2) Tangible personal property, excluding [(a) wearing]:

23 (I) WEARING apparel, other than furs and jewelry [and (b)
24 provisions]; AND

25 (II) PROVISIONS for consumption by the family;

26 (3) Corporate stocks;

27 (4) Debts owed to the decedent, including bonds and notes;

28 (5) Bank accounts, building, savings and loan association shares, and money;

29 (6) Debts owed to the decedent by the personal representative; and

30 (7) Any other interest in tangible or intangible property owned by the
31 decedent which passes by testate or intestate succession.

32 7-202.

33 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE VALUE OF
34 ANY REAL PROPERTY LISTED IN THE INVENTORY MAY BE ESTABLISHED BY USING
35 THE FULL VALUE DETERMINED IN THE MOST RECENT VALUATION OF THE
36 PROPERTY FOR PROPERTY TAX PURPOSES.

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1 (2) AT THE REQUEST OF ANY INTERESTED PERSON, THE PERSONAL
2 REPRESENTATIVE SHALL SECURE AN INDEPENDENT APPRAISAL OF ANY ITEM OF
3 REAL PROPERTY LISTED IN THE INVENTORY.

4 7-203.

5 [Whenever] EXCEPT AS PROVIDED IN § 7-106 OF THIS TITLE, WHENEVER
6 property not included in the original inventory comes to the knowledge of a personal
7 representative, or whenever the personal representative learns that the value indicated in
8 the original inventory for an item [is] WAS erroneous or misleading, he shall make a
9 supplemental inventory or appraisal of the item showing the market value as of the date
10 of the death of the decedent[, or the revised market value,] and the appraisals or other
11 data relied upon and shall file it with the court.

12 7-301.

13 [A] EXCEPT AS PROVIDED IN § 7-106 OF THIS TITLE, A personal representative
14 shall file written accounts of his management and distribution of property at the times
15 and in the manner prescribed in this subtitle, with a certification that he has mailed or
16 delivered a notice of the filing to all interested persons.

17 7-307.

18 (a) Inheritance taxes [with respect to a distribution] shall be paid by the personal
19 representative to the register. [An inheritance tax due in connection with a legacy or
20 intestate share shall be paid at the time of accounting for its distribution.] Failure to pay
21 the inheritance tax when due or to make full disclosure of the information necessary to
22 the determination by the register of the tax due may subject a personal representative to
23 reduction or forfeiture of commissions by the court unless good cause to the contrary is
24 shown. Failure to pay the inheritance tax when due subjects the bond of the personal
25 representative to liability.

26 7-502.

27 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) THROUGH (C)
28 OF THIS SECTION, IN UNSUPERVISED ADMINISTRATION:

29 (1) THE PERSONAL REPRESENTATIVE SHALL GIVE THE WRITTEN
30 NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; BUT

31 (2) UNLESS A REQUEST FOR COURT REVIEW OF A PROPOSED PAYMENT
32 IS MADE WITHIN 20 DAYS AFTER THE NOTICE IS SENT, A PROPOSED PAYMENT
33 UNDER THIS SECTION IS NOT SUBJECT TO THE COURT'S REVIEW OR APPROVAL.

34 7-503.

35 (A) (1) IN UNSUPERVISED ADMINISTRATION, THE PERSONAL
36 REPRESENTATIVE MAY GIVE WRITTEN NOTICE TO EACH CREDITOR WHO HAS FILED
37 A CLAIM UNDER § 8-104 OF THIS ARTICLE THAT IS STILL OPEN AND TO ALL
38 INTERESTED PERSONS OF ANY PROPOSED DISTRIBUTION OF THE PROPERTY OF THE
39 ESTATE OR OF ANY PROPOSED PAYMENT OTHER THAN A PAYMENT TO THE
40 PERSONAL REPRESENTATIVE OR THE ATTORNEY FOR THE ESTATE THAT IS SUBJECT
41 TO § 7-502 OF THIS SUBTITLE.

11

1 (2) THE NOTICE SHALL:

2 (I) STATE THE AMOUNT OF THE PROPOSED DISTRIBUTION OR
3 PAYMENT AND SET FORTH IN REASONABLE DETAIL THE BASIS FOR THE
4 DISTRIBUTION OR PAYMENT; AND

5 (II) STATE THAT A REQUEST FOR A HEARING MAY BE MADE
6 WITHIN 20 DAYS AFTER THE NOTICE WAS SENT.

7 (B) UNLESS A REQUEST FOR COURT REVIEW OF A PROPOSED DISTRIBUTION
8 OR PAYMENT IS MADE WITHIN 20 DAYS AFTER THE NOTICE IS SENT, A PROPOSED
9 DISTRIBUTION OR PAYMENT UNDER THIS SECTION IS NOT SUBJECT TO THE COURT'S
10 REVIEW OR APPROVAL.

11 7-601.

12 (E) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) THROUGH (D)
13 OF THIS SECTION, EXCEPT AS PROVIDED IN § 7-502 OF THIS TITLE, IN UNSUPERVISED
14 ADMINISTRATION A PROPOSED PAYMENT UNDER THIS SECTION IS NOT SUBJECT TO
15 THE COURT'S REVIEW OR APPROVAL.

16 7-602.

17 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) THROUGH (C)
18 OF THIS SECTION, EXCEPT AS PROVIDED IN § 7-502 OF THIS TITLE, IN UNSUPERVISED
19 ADMINISTRATION A PROPOSED PAYMENT UNDER THIS SECTION IS NOT SUBJECT TO
20 THE COURT'S REVIEW OR APPROVAL.

21 10-101.1.

22 (A) (1) IN UNSUPERVISED ADMINISTRATION, AT ANY TIME AFTER THE
23 TIME HAS PASSED FOR PRESENTING CLAIMS THAT AROSE BEFORE THE DEATH OF
24 THE DECEDENT, A PERSONAL REPRESENTATIVE MAY CLOSE THE ESTATE BY:

25 (I) SENDING EACH INTERESTED PERSON A NOTICE OF INTENT TO
26 CLOSE THE ESTATE AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION; AND

27 (II) FILING WITH THE COURT A VERIFIED CERTIFICATE OF
28 COMPLETION AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.

29 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION:

30 (I) THE CERTIFICATE OF COMPLETION MAY NOT BE FILED
31 EARLIER THAN 60 DAYS AFTER THE NOTICE OF INTENT TO CLOSE HAS BEEN SENT
32 TO EACH INTERESTED PERSON; AND

33 (II) IN THE CASE OF A DECEDENT SURVIVED BY A SPOUSE, THE
34 CERTIFICATE OF COMPLETION MAY NOT BE FILED UNTIL THE EXPIRATION OF THE
35 TIME SPECIFIED UNDER § 3-206 OF THIS ARTICLE FOR THE SURVIVING SPOUSE TO
36 ELECT TO TAKE AN ELECTIVE SHARE.

37 (3) THE CERTIFICATE OF COMPLETION MAY BE FILED AT ANY TIME
38 AFTER THE NOTICE OF INTENT TO CLOSE HAS BEEN SENT TO EACH INTERESTED
39 PERSON IF:

12

1 (I) ALL INTERESTED PERSONS HAVE WAIVED IN WRITING THE
2 RIGHT TO OBJECT; AND

3 (II) IN THE CASE OF A DECEDENT SURVIVED BY A SPOUSE, THE
4 TIME SPECIFIED UNDER § 3-206 OF THIS ARTICLE FOR THE SURVIVING SPOUSE TO
5 ELECT AN ELECTIVE SHARE HAS EXPIRED OR THE SURVIVING SPOUSE HAS WAIVED
6 IN WRITING THE RIGHT TO ELECT.

7 (B) THE NOTICE OF INTENT TO CLOSE THE ESTATE SHALL INCLUDE A
8 STATEMENT THAT:

9 (1) THE PERSONAL REPRESENTATIVE INTENDS TO CLOSE THE ESTATE;

10 (2) THE INTERESTED PERSON HAS THE RIGHT TO REQUEST AN
11 ACCOUNTING; AND

12 (3) ALL CLAIMS OF THE INTERESTED PERSON AGAINST THE PERSONAL
13 REPRESENTATIVE WILL BE BARRED UNLESS THE INTERESTED PERSON OBJECTS IN
14 WRITING WITHIN 60 DAYS AFTER THE NOTICE WAS SENT, WHETHER OR NOT THE
15 INTERESTED PERSON HAS REQUESTED A COPY OF AN ACCOUNTING.

16 (C) THE CERTIFICATE OF COMPLETION SHALL INCLUDE A STATEMENT THAT:

17 (1) THE TIME LIMIT FOR PRESENTATION OF CREDITORS' CLAIMS HAS
18 EXPIRED;

19 (2) THE PERSONAL REPRESENTATIVE HAS SENT TO EACH INTERESTED
20 PERSON A COPY OF EACH APPLICATION TO PAY INHERITANCE TAX FILED WITH THE
21 REGISTER UNDER TITLE 7, SUBTITLE 2 OF THE TAX - GENERAL ARTICLE;

22 (3) THE PERSONAL REPRESENTATIVE HAS SENT TO EACH INTERESTED
23 PERSON A NOTICE OF INTENT TO CLOSE THE ESTATE;

24 (4) NO OBJECTIONS TO THE CLOSING OF THE ESTATE HAVE BEEN
25 RECEIVED;

26 (5) A PERIOD OF 60 DAYS HAS ELAPSED AFTER THE NOTICE OF INTENT
27 TO CLOSE WAS SENT TO EACH INTERESTED PERSON OR ALL INTERESTED PERSONS
28 HAVE WAIVED IN WRITING THE RIGHT TO OBJECT TO THE CLOSING OF THE ESTATE;

29 (6) EACH INTERESTED PERSON WHO HAS REQUESTED AN ACCOUNTING
30 HAS BEEN SENT A COPY OF AN ACCOUNT;

31 (7) EXCEPT AS SPECIFIED IN THE STATEMENT, THE PERSONAL
32 REPRESENTATIVE HAS FULLY ADMINISTERED THE ESTATE BY MAKING PAYMENT,
33 SETTLEMENT, OR OTHER DISPOSITION OF ALL CLAIMS THAT WERE PRESENTED,
34 EXPENSES OF ADMINISTRATION, AND ESTATE, INHERITANCE, AND OTHER DEATH
35 TAXES;

36 (8) THE ASSETS OF THE ESTATE HAVE BEEN DISTRIBUTED TO THE
37 PERSONS ENTITLED; AND

38 (9) THE PERSONAL REPRESENTATIVE HAS SENT A COPY OF THE
39 CERTIFICATE OF COMPLETION TO ALL INTERESTED PERSONS AND TO ALL

13

1 CREDITORS OR OTHER CLAIMANTS OF WHOM THE PERSONAL REPRESENTATIVE IS
2 AWARE WHOSE CLAIMS ARE NEITHER PAID NOR BARRED.

3 (D) THE CERTIFICATE OF COMPLETION SHALL ALSO CONTAIN A LIST OF THE
4 NAMES AND ADDRESSES OF ALL RECIPIENTS OF THE CERTIFICATE.

5 (E) IF ANY CLAIMS REMAIN UNDISCHARGED, THE CERTIFICATE SHALL
6 STATE:

7 (1) WHETHER THE PERSONAL REPRESENTATIVE HAS DISTRIBUTED THE
8 ESTATE SUBJECT TO POSSIBLE LIABILITY WITH THE AGREEMENT OF THE
9 DISTRIBUTEES; OR

10 (2) IN DETAIL WHAT OTHER ARRANGEMENTS HAVE BEEN MADE TO
11 ACCOMMODATE OUTSTANDING LIABILITIES.

12 (F) ANY INTERESTED PERSON MAY OBJECT TO THE CLOSING OF THE ESTATE
13 BY MAILING OR DELIVERING TO THE PERSONAL REPRESENTATIVE OR COURT,
14 WITHIN 60 DAYS AFTER THE NOTICE OF INTENT TO CLOSE THE ESTATE WAS SENT, A
15 WRITTEN OBJECTION AND THE GROUNDS FOR THE OBJECTION.

16 (G) THE NOTICE OF INTENT TO CLOSE THE ESTATE AND THE CERTIFICATE OF
17 COMPLETION SHALL BE IN THE FORM DEVELOPED BY THE ATTORNEY GENERAL IN
18 COOPERATION WITH THE REGISTERS.

19 (H) IF THE PERSONAL REPRESENTATIVE SO REQUESTS IN THE CERTIFICATE
20 OF COMPLETION, THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE SHALL
21 BE TERMINATED WHEN THE ESTATE IS CLOSED.

22 10-103.

23 (a) If no action or proceeding involving the personal representative is pending
24 one year after the close of the estate pursuant to § 10-101 OR § 10-101.1 OF THIS
25 SUBTITLE, the personal representative shall be discharged from any claim or demand of
26 any interested person. The rights so barred do not include rights to recover from a
27 personal representative for fraud, material mistake, or substantial irregularity.

28 **Article - Tax - General**

29 7-102.

30 THE ATTORNEY GENERAL, IN COOPERATION WITH THE REGISTERS, SHALL
31 DESIGN AN APPLICATION TO PAY INHERITANCE TAX.

32 7-204.

33 (a) (1) In this section[, "clear] THE FOLLOWING WORDS HAVE THE
34 MEANINGS INDICATED.

35 (2) "CLEAR value" means fair market value minus expenses.

36 (3) "EXPENSES" MEANS:

37 (I) LIABILITIES ENCUMBERING THE PROPERTY AS OF THE DATE
38 OF THE DECEDENT'S DEATH; AND

14

1 (II) ALL TAXES, ADMINISTRATION EXPENSES, FUNERAL AND
2 BURIAL COSTS, DEBTS, PERSONAL REPRESENTATIVES' COMMISSIONS, TRUSTEES'
3 FEES, ATTORNEYS' FEES, OR OTHER SIMILAR EXPENSES DIRECTLY RELATING TO
4 THE ADMINISTRATION AND DISTRIBUTION OF THE PROPERTY AS A RESULT OF THE
5 DEATH OF THE DECEDENT, BUT ONLY TO THE EXTENT THOSE EXPENSES ARE
6 PAYABLE OUT OF THE PROPERTY.

7 7-207.

8 Except as provided in §§ 7-209 through 7-211 of this subtitle, the value of property
9 that passes from a decedent is, for purposes of the inheritance tax, the [appraised] FAIR
10 MARKET value of the property [required to be stated in the inventory required to be filed
11 under § 7-225 of this subtitle] AT THE DATE OF THE DECEDENT'S DEATH.

12 7-210.

13 (b) (1) If a subsequent interest in property ultimately vests in possession in a
14 person other than the person by or for whom an application to prepay the inheritance tax
15 was filed under § 7-219 of this subtitle and if the inheritance tax determined under the
16 prepayment application was paid [:

17 (i) the subsequent interest shall be revalued when it vests in
18 possession; and

19 (ii)], the inheritance tax due on the subsequent interest shall be
20 redetermined based on [the value of the interest when it vests in possession and on] the
21 relationship of the original decedent to the person in whom the interest ultimately vests in
22 possession.

23 (2) A deduction from the inheritance tax calculated under paragraph
24 [(1)(ii)] (1) of this subsection for prepaid inheritance tax on the interest shall be allowed.

25 (c) (1) If an application to prepay the inheritance tax for a subsequent interest
26 is not filed in accordance with § 7-219 of this subtitle or if the inheritance tax determined
27 for the subsequent interest under a prepayment application is not paid when due under §
28 7-217(c) of this subtitle:

29 (i) the whole property shall be valued when the subsequent interest
30 vests in possession;

31 [(ii) the value of the subsequent interest shall be valued when it vests in
32 possession in the manner stated in subsection (a) of this section;] and

33 [(iii)] (II) the inheritance tax due on the subsequent interest shall be
34 determined based on the value of the interest when it vests in possession and on the
35 relationship of the original decedent to the person in whom the interest ultimately vests in
36 possession.

37 (2) A deduction for inheritance tax previously paid on any interest in the
38 property may not be allowed.

15

1 7-214.

2 [(a)] The register [in the county where the court that administers an estate is
3 located] shall [determine] COLLECT the inheritance tax that is due on any interest in
4 property [included in the estate when the personal representative of the decedent
5 accounts for the distribution of the property]:

6 (1) WHEN THE PERSON REQUIRED TO PAY THE INHERITANCE TAX
7 FILES AN APPLICATION TO PAY INHERITANCE TAX THAT INCLUDES THAT
8 PROPERTY; OR

9 (2) IF AN APPLICATION TO PAY INHERITANCE TAX IS NOT FILED AS
10 REQUIRED UNDER § 7-215 OF THIS TITLE, WHEN PROPERTY FOR WHICH AN
11 APPLICATION SHOULD HAVE BEEN FILED COMES TO THE REGISTER'S ATTENTION.

12 [(b) If there is no formal administration of an estate, the register in the county
13 where the inventory required under § 7-225(c), (d), or (e) of this subtitle is to be filed
14 shall:

15 (1) determine the inheritance tax that is due on any interest in property that
16 passes from a decedent:

17 (i) when the inventory is filed; or

18 (ii) if the inventory is not filed, when the appraisal is filed by the
19 appraisers appointed under § 7-231 of this subtitle; and

20 (2) send a tax bill for the inheritance tax due to each person responsible for
21 paying the tax.

22 (c) The register of the county where the inventory required under § 7-225 of this
23 subtitle is filed shall determine the inheritance tax due on a subsequent interest in
24 property that passes from a decedent.]

25 [7-215.

26 The person responsible under § 7-216 of this subtitle for paying the inheritance tax
27 shall pay it to the register who determines the inheritance tax under § 7-214 of this
28 subtitle.]

29 7-215.

30 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE SUBSECTION, A PERSON
31 REQUIRED TO PAY INHERITANCE TAX UNDER THIS SUBTITLE SHALL FILE AN
32 APPLICATION TO PAY INHERITANCE TAX WITH THE REGISTER OF THE COUNTY
33 WHERE THE ESTATE IS BEING ADMINISTERED.

34 (2) IF THERE IS NO FORMAL ADMINISTRATION OF THE ESTATE, A
35 PERSON REQUIRED TO PAY INHERITANCE TAX SHALL FILE THE APPLICATION TO
36 PAY INHERITANCE TAX:

37 (I) FOR PERSONAL PROPERTY, WITH THE REGISTER OF THE
38 COUNTY WHERE THE DECEDENT RESIDED AT THE TIME OF DEATH; AND

16

1 (II) FOR REAL PROPERTY, WITH THE REGISTER OF THE COUNTY
2 WHERE THE REAL PROPERTY IS LOCATED.

3 (3) A FOREIGN PERSONAL REPRESENTATIVE WHO ADMINISTERS AN
4 ESTATE WITH PROPERTY THAT IS LOCATED IN THIS STATE AND SUBJECT TO THE
5 INHERITANCE TAX SHALL FILE WITH THE REGISTER OF THE COUNTY WHERE THE
6 FOREIGN PERSONAL REPRESENTATIVE BELIEVES THE LARGEST PART, IN VALUE, OF
7 THE PROPERTY IS LOCATED:

8 (I) A COPY OF THE APPOINTMENT AS PERSONAL
9 REPRESENTATIVE;

10 (II) A COPY OF THE WILL OF THE DECEDENT, IF ANY,
11 AUTHENTICATED IN ACCORDANCE WITH 28 U.S.C. § 1738; AND

12 (III) AN APPLICATION TO PAY INHERITANCE TAX.

13 (4) THE APPLICATION TO PAY INHERITANCE TAX SHALL BE ON THE
14 FORM PROVIDED BY THE REGISTER.

15 (5) A COMBINED OR CONSOLIDATED APPLICATION TO PAY
16 INHERITANCE TAX MAY BE FILED BY TWO OR MORE PERSONS REQUIRED TO PAY
17 INHERITANCE TAX WITH RESPECT TO PROPERTY THAT PASSES FROM THE SAME
18 DECEDENT.

19 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

20 (I) AN APPLICATION TO PAY INHERITANCE TAX SHALL BE FILED
21 WITHIN 6 MONTHS AFTER THE DATE OF THE DECEDENT'S DEATH; AND

22 (II) THE INHERITANCE TAX SHALL BE PAID WHEN THE
23 APPLICATION IS FILED.

24 (2) IF THE INHERITANCE TAX ON A SUBSEQUENT INTEREST IN
25 PROPERTY IS NOT PREPAID, THE PERSON REQUIRED TO PAY THE TAX WITH
26 RESPECT TO THE SUBSEQUENT INTEREST SHALL FILE AN APPLICATION TO PAY
27 INHERITANCE TAX AND PAY THE TAX WITHIN 30 DAYS AFTER THE INTEREST VESTS
28 IN POSSESSION.

29 (3) IF ADDITIONAL INHERITANCE TAX BECOMES DUE UNDER § 7-221 OF
30 THIS SUBTITLE, THE PERSON REQUIRED TO PAY THE TAX WITH RESPECT TO THE
31 PROPERTY SHALL FILE AN APPLICATION TO PAY INHERITANCE TAX AND PAY THE
32 TAX WITHIN 30 DAYS AFTER THE DISQUALIFYING EVENT OCCURS.

33 (4) AFTER FILING AN APPLICATION TO PAY INHERITANCE TAX, A
34 PERSON REQUIRED TO PAY INHERITANCE TAX:

35 (I) SHALL PROMPTLY FILE AN AMENDED APPLICATION IF:

36 1. PROPERTY NOT INCLUDED IN THE ORIGINAL
37 APPLICATION COMES TO THE PERSON'S ATTENTION;

38 2. THE PERSON LEARNS THAT THE VALUE OR TAX RATE
39 FOR ANY ITEM IS HIGHER THAN INDICATED IN THE ORIGINAL APPLICATION; OR

17

1 3. EVENTS OCCURRING AFTER THE APPLICATION WAS
2 FILED HAVE OTHERWISE INCREASED THE INHERITANCE TAX REQUIRED TO BE
3 PAID; AND

4 (II) MAY FILE AN AMENDED APPLICATION TO PAY INHERITANCE
5 TAX IF:

6 1. ADDITIONAL EXPENSES HAVE BEEN INCURRED THAT
7 HAVE DECREASED THE INHERITANCE TAX REQUIRED TO BE PAID;

8 2. THE PERSON LEARNS THAT THE VALUE OR TAX RATE
9 FOR ANY ITEM IS LOWER THAN INDICATED IN THE ORIGINAL APPLICATION; OR

10 3. EVENTS OCCURRING AFTER THE APPLICATION WAS
11 FILED HAVE OTHERWISE DECREASED THE INHERITANCE TAX REQUIRED TO BE
12 PAID.

13 (C) NOTWITHSTANDING § 2-208(I) OF THE ESTATES AND TRUSTS ARTICLE,
14 THE REGISTER IS NOT REQUIRED TO AUDIT EVERY APPLICATION TO PAY
15 INHERITANCE TAX FILED.

16 (D) AT THE REQUEST OF ANY LEGATEE OR, IN THE CASE OF AN INTESTATE
17 DECEDENT, ANY HEIR, A PERSONAL REPRESENTATIVE WHO FILES AN APPLICATION
18 TO PAY INHERITANCE TAX SHALL PROVIDE A COPY OF THE APPLICATION TO THAT
19 LEGATEE OR HEIR.

20 [7-217.

21 (a) Except as provided in § 7-218 of this subtitle and subsections (c), (d), and (e)
22 of this section, if an estate is administered subject to the jurisdiction of a court, the person
23 responsible for paying the inheritance tax shall pay the tax when the register determines
24 the amount due, at the time that the representative accounts for the distribution of
25 property of the estate.

26 (b) Except as provided in § 7-218 of this subtitle and subsections (c), (d), and (e)
27 of this section, if there is no formal administration subject to the jurisdiction of a court for
28 property that passes from a decedent, the person responsible for paying the inheritance
29 tax shall pay the tax when the register determines the amount due.

30 (c) Except as provided by subsection (d) of this section, if an interest in property
31 is valued under § 7-209(d) or (e) or § 7-210 of this subtitle, the person responsible for
32 paying the inheritance tax shall pay the tax within 30 days after the determination of the
33 inheritance tax due on the interest.

34 (d) If the inheritance tax on a subsequent interest in property is not prepaid, the
35 person responsible for paying the tax shall pay the tax when the interest vests in
36 possession.

37 (e) If additional inheritance tax becomes due under § 7-221 of this subtitle, the
38 person responsible for paying the tax shall pay the tax when the disqualifying event
39 occurs.]

18

1 7-219.

2 (a) Within a reasonable time after the valuation of a less than absolute interest in
3 property that passes from a decedent, an application to prepay the inheritance tax for a
4 subsequent interest in the same property may be filed with the register [of the county
5 where the inventory was filed under § 7-225 of this subtitle].

6 7-225.

7 [(a)] A person required to file an [inventory] APPLICATION TO PAY
8 INHERITANCE TAX shall have the property appraised in the manner provided in [Title 7,
9 Subtitle 2] § 7-202 of the Estates and Trusts Article.

10 [(b)] Each personal representative shall file the inventory required by § 7-201 of
11 the Estates and Trusts Article with the register within 3 months after appointment.

12 (c) If there is no formal administration of an estate, each person other than a
13 personal representative who distributes property that passes from the decedent shall file
14 the inventory required by § 7-201 of the Estates and Trusts Article, within 3 months after
15 the death of the decedent and before distributing the property:

16 (1) for personal property, with the register in the county where the decedent
17 resided at the time of death; and

18 (2) for real property, with the register in the county where the real property
19 is located.

20 (d) If there is no formal administration of an estate, each person who receives
21 property that passes from a decedent without distribution shall file the inventory required
22 by § 7-201 of the Estates and Trusts Article, within 3 months after the death of the
23 decedent:

24 (1) for personal property, with the register in the county where the decedent
25 resided at the time of death; and

26 (2) for real property, with the register in the county where the real property
27 is located.

28 (e) A foreign personal representative who administers an estate with property
29 that is located in this State and subject to the inheritance tax shall file with the register of
30 the county where the foreign personal representative believes the largest part, in value, of
31 the property is located:

32 (1) a copy of the appointment as personal representative;

33 (2) a copy of the will of the decedent, if any, authenticated in accordance
34 with 28 U.S.C. § 1738; and

35 (3) an inventory of all of the property that the estate owns in this State that:

36 (i) is made under oath;

37 (ii) describes each item in reasonable detail; and

19

1 (iii) indicates the fair market value of each item and the basis on which
2 the value is determined.]

3 10-205.

4 (a) In addition to the modification under § 10-204 of this subtitle, the amounts
5 under this section are added to the federal adjusted gross income of a resident to
6 determine Maryland adjusted gross income.

7 (H) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE
8 AMOUNT OF ANY EXPENSES CLAIMED AS AN EXPENSE ON AN APPLICATION TO PAY
9 INHERITANCE TAX UNDER TITLE 7, SUBTITLE 2 OF THIS ARTICLE THAT ARE
10 ALLOWED AS A DEDUCTION FOR PURPOSES OF DETERMINING FEDERAL TAXABLE
11 INCOME FOR THE TAXABLE YEAR.

12 13-201.

13 In this subtitle, "tax information" means:

14 (1) the amount of income or any other particulars disclosed in a tax return
15 required under this article, if the return contains return information, as defined in § 6103
16 of the Internal Revenue Code;

17 (2) any return information, as defined in § 6103 of the Internal Revenue
18 Code, required to be attached to or included in a tax return required under this article; or

19 (3) any information contained in:

20 (i) an admissions and amusement tax return;

21 (II) AN APPLICATION TO PAY INHERITANCE TAX OR AN
22 INHERITANCE TAX INFORMATION REPORT REQUIRED UNDER § 7-224 OF THIS
23 ARTICLE; or

24 [(ii)] (III) a sales and use tax return.

25 13-601.

26 (a) Except as otherwise provided in this section, if a person or governmental unit
27 fails to pay a tax imposed under this article on or before the date on which the tax is due,
28 the tax collector shall assess interest on the unpaid tax from the due date to the date on
29 which the tax is paid.

30 (b) Except as provided in [subsections (c)(2) and (d)] SUBSECTION (D) of this
31 section, the date on which the tax is due is determined without regard to any extension of
32 time to file a return.

33 (c) [Interest] IF AN ALTERNATIVE PAYMENT SCHEDULE FOR INHERITANCE
34 TAX IS ALLOWED, INTEREST on unpaid inheritance tax begins [:

35 (1) 30 days after the date on which the tax is determined;

36 (2) on the original due date, if there is no formal administration of the
37 estate and the tax is not paid within 30 days after the date on which the tax bill is mailed;
38 or

20

1 (3) 30 days after the] ON THE original due date[, if an alternative payment
2 schedule for inheritance tax is allowed].

3 13-701.

4 (a) Except as otherwise provided in this subtitle, if a person or governmental unit
5 fails to pay a tax when due under this article, the tax collector shall assess a penalty not
6 exceeding 10% of the unpaid tax.

7 (b) (1) If a person fails to pay financial institution franchise tax, income tax, or
8 tobacco tax when required under this article, the tax collector shall assess a penalty not
9 exceeding 25% of the unpaid tax.

10 (2) If a person fails to file a motor carrier tax return or motor fuel tax return
11 when required under this article, the Comptroller shall assess a penalty not exceeding
12 \$25.

13 [(c) The penalty under subsection (a) of this section may be assessed for unpaid
14 inheritance tax at or after the time allowed for the assessment of interest under §
15 13-601(c) of this title.]

16 13-806.

17 (b) (1) Except as otherwise provided in this subsection, a lien for unpaid
18 inheritance tax:

19 (i) arises on the date of [distribution] THE DECEDENT'S DEATH;
20 and

21 (ii) continues for 4 years.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1997 and shall be applicable to persons dying on or after October 1, 1997.