

By: **Delegate Stocksdale**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Claims of Creditors - Certificates of Service**

3 FOR the purpose of requiring certain claimants against an estate of a decedent to file
4 certain certificates of service with the register of wills under certain
5 circumstances; providing that a certificate of service shall set out the date,
6 place, and manner of service; providing that a certificate of service shall include
7 the original return receipt if the service is made by a certified mail; providing for
8 the application of this Act; and generally relating to claims of creditors and the
9 requirement of filing certain certificates of service.

10 BY repealing and reenacting, without amendments,
11 Article - Estates and Trusts
12 Section 8-104(a)
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Estates and Trusts
17 Section 8-104(b) and (c)
18 Annotated Code of Maryland
19 (1991 Replacement Volume and 1997 Supplement)

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

22 **Article - Estates and Trusts**

23 8-104.

24 (a) Claims against an estate of a decedent may be presented as provided in
25 this section.

26 (b) (1) The claimant may deliver or mail to the personal representative a
27 verified written statement of the claim indicating its basis, the name and address of
28 the claimant, and the amount claimed.

1 (2) If the claim is not yet due, the date when it will become due shall be
2 stated.

3 (3) If the claim is contingent, the nature of the contingency shall be
4 stated.

5 (4) If the claim is secured, the security shall be described.

6 (5) The failure of the claimant to comply with the provisions of this
7 section or with the reasonable requests of the personal representative for additional
8 information may be a basis for disallowance of a claim in the discretion of the court.

9 (c) (1) The claimant may file a verified written statement of the claim,
10 substantially in the form contained in this subsection.

11 (2) If the claim is filed prior to the appointment of the personal
12 representative, the claimant may file [his] THE CLAIMANT'S claim with the register
13 in the county in which the decedent was domiciled or in any county in which [he]
14 THE DECEDENT resided on the date of [his] THE DECEDENT'S death or in which real
15 property or a leasehold interest in real property of the decedent is located.

16 (3) (I) If the claim is filed after the appointment of the personal
17 representative, the claimant shall file [his] THE CLAIMANT'S claim with the register
18 of the county in which probate proceedings are being conducted and shall:

19 1. [deliver] DELIVER or mail a copy of the statement to the
20 personal representative; AND

21 2. FILE A CERTIFICATE OF SERVICE WITH THE REGISTER
22 INDICATING THAT THE CLAIMANT HAS DELIVERED OR MAILED A COPY OF THE
23 STATEMENT TO THE PERSONAL REPRESENTATIVE.

24 (II) THE CERTIFICATE SHALL SET OUT THE DATE, PLACE, AND
25 MANNER OF SERVICE.

26 (III) IF THE SERVICE IS MADE BY A CERTIFIED MAIL, THE
27 CERTIFICATE SHALL INCLUDE THE ORIGINAL RETURN RECEIPT.

28 CLAIM AGAINST ESTATE OF DECEDENT.

29 The below-named creditor certifies that there is due and owing by _____,
30 deceased, in accordance with the statement of account attached as a part of this
31 statement the sum of _____, together with interest at the rate of _____ from
32 _____ until paid, and that the account is correct as stated and is unpaid.

33 On behalf of the below-named creditor, I do solemnly declare and affirm under
34 the penalties of perjury that the information and representations made in the claim,
35 and the account are true and correct according to my knowledge, information, and
36 belief.

1 _____
2 (Name of Creditor)

3
4
5
6

(Signature of creditor or person
authorized to make verification
on behalf of creditor)

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998 and shall apply to the estates of persons who die on or after October
9 1, 1998.