
By: **Delegate K. Kelly**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Personal Representative - Compensation for Expenses**

3 FOR the purpose of authorizing compensation for expenses to a personal
4 representative directly related to the administration of an estate to be charged
5 against the principal of the estate; providing for notice to certain creditors of
6 compensation for certain expenses; and generally relating to the administration
7 of a decedent's estate.

8 BY repealing and reenacting, with amendments,
9 Article - Estates and Trusts
10 Section 7-304(a) and 7-502(a)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1998 Supplement)

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

15 **Article - Estates and Trusts**

16 7-304.

17 (a) (1) Unless the will provides otherwise, and subject to subsection (b) OF
18 THIS SECTION, all expenses incurred in connection with the settlement of an estate of
19 a decedent[, including debts, funeral expenses, the contribution of the estate to estate
20 taxes, and interest and penalties concerning estate taxes, family allowances,
21 compensation of attorneys and personal representatives, and court costs] shall be
22 charged against the principal of the estate INCLUDING:

23 (I) DEBTS;

24 (II) FUNERAL EXPENSES;

25 (III) THE CONTRIBUTION OF THE ESTATE TO ESTATE TAXES AND
26 INTEREST AND PENALTIES CONCERNING ESTATE TAXES;

27 (IV) FAMILY ALLOWANCES;

1 (V) COURT COSTS;

2 (VI) COMPENSATION OF ATTORNEYS AND PERSONAL
3 REPRESENTATIVES FOR SERVICES; AND

4 (VII) COMPENSATION FOR EXPENSES INCURRED BY A PERSONAL
5 REPRESENTATIVE DIRECTLY RELATED TO PERFORMING SERVICES FOR AN ESTATE,
6 INCLUDING TELEPHONE CHARGES, POSTAGE, REPRODUCTION OF DOCUMENTS,
7 TRAVEL, LODGING, AND TRANSPORTATION COSTS.

8 (2) EXPENSES UNDER PARAGRAPH (1)(VII) OF THIS SUBSECTION SHALL
9 BE PAID IN ADDITION TO COMPENSATION FOR SERVICES UNDER § 7-601 OF THIS
10 TITLE. A PERSONAL REPRESENTATIVE NEED NOT APPLY FOR OR RECEIVE
11 COMPENSATION FOR SERVICES UNDER § 7-601 OF THIS TITLE TO RECEIVE
12 COMPENSATION FOR EXPENSES UNDER PARAGRAPH (1)(VII) OF THIS SUBSECTION.

13 7-502.

14 (a) The personal representative shall give written notice to each creditor who
15 has filed a claim under § 8-104 which is still open and to all interested persons of a
16 claim, petition, or other request which could result, directly or indirectly, in the
17 payment of a debt, COMPENSATION FOR EXPENSES, commission, fee, or other
18 compensation to or for the benefit of the personal representative or the attorney for
19 the estate. The notice shall state the amount requested, and set forth in reasonable
20 detail the basis for the request. It shall also state that a request for hearing may be
21 made within 20 days after the notice is sent.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1999.