

HOUSE BILL 322

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2000 Regular Session
(01r0508)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Petzold, Dembrow, Heller, Mandel, Menes, and Cryor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts - Small Estates - Maximum Property Value**

3 FOR the purpose of altering the ~~gross~~ maximum value of an estate necessary to
4 qualify for administration under the provisions of law for administration as a
5 small estate; establishing an additional small estate maximum property value
6 for estate transfers between spouses; altering certain provisions regarding fees
7 imposed by the register of wills for services performed in connection with small
8 estates; providing for the application of this Act; and generally relating to small
9 estates.

10 BY repealing and reenacting, with amendments,
11 Article - Estates and Trusts
12 Section 5-601, 5-605, and 5-606
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1999 Supplement)

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

3 **Article - Estates and Trusts**

4 5-601.

5 (a) If the property of the decedent subject to administration in Maryland is
6 established to have a value of [\$20,000] \$30,000 or less as of the date of the death of
7 the decedent, the estate may be administered in accordance with the provisions of §§
8 5-602 through 5-607 of this subtitle.

9 (b) If, before the filing of an initial account in administration proceedings
10 instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent
11 subject to administration in Maryland is established to have a value of [\$20,000]
12 \$30,000 or less as of the date of the death of the decedent, the estate thereafter may be
13 administered in accordance with the provisions of §§ 5-602 through 5-607 of this
14 subtitle.

15 (C) IF THE SURVIVING SPOUSE IS THE SOLE LEGATEE OR HEIR OF THE
16 DECEDENT AND IF BEFORE THE FILING OF AN INITIAL ACCOUNT IN
17 ADMINISTRATION PROCEEDINGS INSTITUTED UNDER SUBTITLE 3 OR SUBTITLE 4 OF
18 THIS TITLE, THE PROPERTY OF THE DECEDENT SUBJECT TO ADMINISTRATION IN
19 MARYLAND IS ESTABLISHED TO HAVE A VALUE OF \$50,000 OR LESS AS OF THE DATE
20 OF THE DEATH OF THE DECEDENT, THE ESTATE THEREAFTER MAY BE
21 ADMINISTERED IN ACCORDANCE WITH THE PROVISIONS OF §§ 5-602 THROUGH 5-607
22 OF THIS SUBTITLE.

23 (⇌) (D) For the purpose of this subtitle, value is determined by the fair
24 market value of property less debts of record secured by the property, as of the date of
25 death, to the extent that insurance benefits are not payable to the lien holder or
26 secured party for the secured debt.

27 ~~(D) IF THE SURVIVING SPOUSE IS THE SOLE LEGATEE OR HEIR OF THE~~
28 ~~DECEDENT AND IF BEFORE THE FILING OF AN INITIAL ACCOUNT IN~~
29 ~~ADMINISTRATION PROCEEDINGS INSTITUTED UNDER SUBTITLE 3 OR SUBTITLE 4 OF~~
30 ~~THIS TITLE, THE PROPERTY OF THE DECEDENT SUBJECT TO ADMINISTRATION IN~~
31 ~~MARYLAND IS ESTABLISHED TO HAVE A VALUE OF \$50,000 OR LESS AS OF THE DATE~~
32 ~~OF THE DEATH OF THE DECEDENT, THE ESTATE THEREAFTER MAY BE~~
33 ~~ADMINISTERED IN ACCORDANCE WITH THE PROVISIONS OF §§ 5-602 THROUGH 5-607~~
34 ~~OF THIS SUBTITLE.~~

35 5-605.

36 Property of the decedent discovered after the filing of the petition shall be
37 reported immediately by supplemental petition. If no administration was had in
38 accordance with § 5-603(a)(4) because of the failure to include after-discovered
39 property in the original petition, the register shall direct appropriate proceedings. If
40 after-discovered property increases the gross value of all property of the decedent to

1 more than [\$20,000,] \$30,000, OR MORE THAN \$50,000 IF ALL PROPERTY OF THE
 2 DECEDENT SUBJECT TO ADMINISTRATION IN MARYLAND IS TRANSFERRED TO THE
 3 SPOUSE OF THE DECEDENT, THEN any further proceeding may not be had under this
 4 subtitle, but the administration shall proceed under the other provisions of the
 5 estates of decedents law.

6 5-606.

7 (a) (1) Except as provided in paragraph (2) of this subsection, for all services
 8 listed in § 2-206(b)(1) of this article that a register performs in connection with a
 9 small estate, the register shall receive the fees under subsection (b) of this section
 10 instead of the fees under § 2-206(b)(2) of this article.

11 (2) For each additional certificate of letters over 4 furnished in
 12 connection with a small estate, the register shall receive the additional fee under §
 13 2-206(c) of this article.

14 (b) Fees for a small estate shall be assessed on the value of the small estate at
 15 the following rates:

16 If the Value 17 of the Small 18 Estate Is 19 [at Least]	20 But [Less] NO MORE Than	The Fee Is
21 (1) --	\$ 200	\$ 2
22 (2) \$200	\$5,000	1% of the 23 Value of 24 the Small 25 Estate
26 (3) \$5,000	\$10,000	\$50
27 (4) \$10,000	\$20,000	\$100
28 (5) \$20,000	\$50,000	\$200 29 <u>\$150</u>

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 31 July 1, 2000 and shall be applicable to all decedents ~~dying~~ who die on or after July 1,
 32 2000.