
By: **Delegates Petzold, Dembrow, Heller, Mandel, Menes, and Cryor**
Introduced and read first time: January 31, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2000

CHAPTER _____

1 AN ACT concerning

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

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

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

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

16 **Article - Estates and Trusts**

17 5-601.

18 (a) If the property of the decedent subject to administration in Maryland is
19 established to have a value of [~~\$20,000~~] \$30,000 or less as of the date of the death of
20 the decedent, the estate may be administered in accordance with the provisions of §§
21 5-602 through 5-607 of this subtitle.

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

7 (c) For the purpose of this subtitle, value is determined by the fair market
8 value of property less debts of record secured by the property, as of the date of death,
9 to the extent that insurance benefits are not payable to the lien holder or secured
10 party for the secured debt.

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

19 5-605.

20 Property of the decedent discovered after the filing of the petition shall be
21 reported immediately by supplemental petition. If no administration was had in
22 accordance with § 5-603(a)(4) because of the failure to include after-discovered
23 property in the original petition, the register shall direct appropriate proceedings. If
24 after-discovered property increases the gross value of all property of the decedent to
25 more than [\$20,000,] \$30,000, OR MORE THAN \$50,000 IF ALL PROPERTY OF THE
26 DECEDENT SUBJECT TO ADMINISTRATION IN MARYLAND IS TRANSFERRED TO THE
27 SPOUSE OF THE DECEDENT, THEN any further proceeding may not be had under this
28 subtitle, but the administration shall proceed under the other provisions of the
29 estates of decedents law.

30 5-606.

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

35 (2) For each additional certificate of letters over 4 furnished in
36 connection with a small estate, the register shall receive the additional fee under §
37 2-206(c) of this article.

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

1 If the Value		
2 of the Small		
3 Estate Is	But [Less] NO MORE	The Fee
4 [at Least]	Than	Is
5 GREATER THAN		
6 (1) --	\$ 200	\$ 2
7 (2) \$200	\$5,000	1% of the
8		Value of
9		the Small
10		Estate
11 (3) \$5,000	\$10,000	\$50
12 (4) \$10,000	\$20,000	\$100
13 (5) \$20,000	\$50,000	\$200

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 July 1, 2000 and shall be applicable to all decedents ~~dying~~ who die on or after July 1,
 16 2000.