
By: **Senator Della**

Introduced and read first time: January 17, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Filing of Death Certificate**

3 FOR the purpose of requiring that a petition for probate of a decedent's estate be
4 accompanied by a certified copy of the decedent's death certificate; altering the
5 form of the petition for probate to state that a certified copy of the decedent's
6 death certificate is attached; providing for the application of this Act; and
7 generally relating to opening the estate of a decedent.

8 BY adding to
9 Article - Estates and Trusts
10 Section 5-205.1
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Estates and Trusts
15 Section 5-206
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1999 Supplement)

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

20 **Article - Estates and Trusts**

21 5-205.1.

22 THE PETITION SHALL BE ACCOMPANIED BY A CERTIFIED COPY OF THE
23 DECEDENT'S DEATH CERTIFICATE.

24 5-206.

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

1 In the Orphans' Court for

2 (or) _____, Maryland

3 Before the Register of Wills for

4 in the Estate of:

5 _____ Estate No. _____

6 For: Regular Estate -
7 Petition for probate,
8 estate value in
9 excess of \$20,000.
10 Complete and attach
11 Schedule - A.

12 Small Estate -
13 Petition for Administration,
14 estate value of \$20,000
15 or less. Complete and
16 attach Schedule - B.

17 Will of No
18 Estate -
19 Complete Items
20 2 and 5

21 The Petition of:

22 _____
23 Name Address

24 _____
25 _____
26 Name Address

27 _____
28 _____
29 Name Address

30 _____

31 Each of us states:

32 1. I am (a) at least 18 years of age and either a citizen of the United States or a
33 permanent resident alien spouse of the decedent or (b) a trust company or any
34 other corporation authorized by law to act as a personal representative.

35 2. The decedent, _____, was domiciled in _____ County, State
36 of _____ and died on the _____ day of _____ 19____, at _____.

37 3. If the decedent was not domiciled in this county at the time of death, this is the
38 proper office in which to file this petition because:
39 _____.

1 4. I am entitled to priority of appointment as personal representative of the
2 decedent's estate pursuant to § 5-104 of the Estates and Trusts Article, Annotated
3 Code of Maryland because:

4 _____

5 and I am not excluded by § 5-105(b) of the Estates and Trusts Article, Annotated
6 Code of Maryland from serving as personal representative.

7 5. I have made a diligent search for the decedent's will and to the best of my
8 knowledge:

9 none exists; or

10 the will dated _____ (including codicils, if any, dated _____)
11 accompanying this petition is the last will and it came into my hands in the
12 following manner:

13 _____

14 and the names and last known addresses of the witnesses are:

15 _____
16 _____
17 _____

18 6. Other proceedings, if any, regarding the decedent or the estate are as follows:

19 _____

20 7. If any information required by paragraphs 2 through 6 has not been furnished,
21 the reason is:

22 _____

23 8. ATTACHED IS A CERTIFIED COPY OF THE DECEDENT'S DEATH CERTIFICATE.

24 [8.] 9. If appointed, I accept the duties of the office of personal representative and
25 consent to personal jurisdiction in any action brought in this State against
26 me as personal representative or arising out of the duties of the office of
27 personal representative.

28 WHEREFORE, I request appointment as personal representative of the
29 decedent's estate and the following relief as indicated:

- 1 that the will and codicils, if any, be admitted to administrative probate;
- 2 that the will and codicils, if any, be admitted to judicial probate;
- 3 that the will and codicils, if any, be filed only;
- 4 that the following additional relief be granted: _____

5 I solemnly affirm under the penalties of perjury that the contents of the
 6 foregoing petition are true to the best of my knowledge, information, and belief.

7 _____

8 Attorney's Signature Petitioner Date

9 _____

10 Address Petitioner Date

11 _____

12 Petitioner Date

13 _____

14 Telephone Number Telephone Number

15 In the Orphans' Court for

16 (or) _____, Maryland

17 Before the Register of Wills for

18 in the Estate of:

19 _____ Estate No. _____

20 Schedule - A

21 REGULAR ESTATE

22 Estimated Value of Estate and Unsecured Debts:

23 Personal property (approximate value)..... \$ _____

24 Real property (approximate value)..... \$ _____

5.....

1 Value of Property subject to:

2 (a) Direct Inheritance Tax of ____% \$ _____

3 (b) Collateral Inheritance Tax of ____% \$ _____

4 (c) Collateral Inheritance Tax of ____%..... \$ _____

5 Unsecured Debts (approximate amount) \$ _____

6 -----

7 (FOR REGISTER'S USE)

8 Safekeeping Wills _____ Custody of Wills _____

9 Bond Set \$ _____ Deputy _____

10 In the Orphans' Court for

11 (or) _____, Maryland

12 Before the Register of Wills for

13 in the Estate of:

14 _____ Estate No. _____

15 Schedule - B

16 SMALL ESTATE

17 Assets and Debts of the Decedent:

18 1. I have made a diligent search to discover all property and debts of the decedent
19 and set forth below are:

20 (a) A listing of all real and personal property owned by the decedent,
21 individually or as tenant in common, and of any other property
22 to which the decedent or estate would be entitled, including
23 descriptions, values, and how the values were determined:

24 _____

25 _____

26 (b) A listing of all creditors and claimants and the amounts claimed,
27 including secured*, contingent and disputed claims:

28 _____

1 2. Allowable funeral expenses are \$ _____; statutory family
2 allowances are \$ _____; and expenses of administration are \$ _____.

3 3. Attached is a List of Interested Persons.

4 *Note: § 5-601(c) of the Estates and Trusts Article, Annotated Code of Maryland "For
5 the purpose of this subtitle - Value is determined by fair market value of property less
6 debts of record secured by the property as of the date of death, to the extent that
7 insurance benefits are not payable to the lien holder or secured party for the secured
8 debt."

9 I solemnly affirm under the penalties of perjury that the contents of the
10 foregoing schedule are true to the best of my knowledge, information, and belief.

11 _____

12 Attorney's Signature Petitioner Date

13 _____

14 Address Petitioner Date

15 _____

16 Telephone Number Telephone Number

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
18 petitions for probate filed on or after the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.