Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 156   (Senator Della)

Judicial Proceedings

Estates and Trusts - Personal Representatives - Compensation

This bill requires a lawyer who prepares a will naming the lawyer as personal representative to disclose to the client: (1) that a personal representative of an estate is entitled to reasonable compensation for services; and (2) how the maximum amount of compensation is computed by a court unless a larger measure of compensation is provided for in a will. The disclosure is required to be in writing and signed by the client. A lawyer is not entitled to compensation unless the disclosure is made.

The bill is to be construed to apply only prospectively and may not be applied to any will executed before the bill's October 1, 2003 effective date.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Personal representatives are entitled to reasonable compensation for services. If a will provides a stated compensation for the personal representative, additional compensation shall be allowed if the provision is insufficient in the judgment of the court. Unless the will provides a larger measure of compensation, upon petition filed in reasonable detail by the personal representative or special administrator, the court

may allow the commissions it considers appropriate. The commissions may not exceed 9% if the property subject to administration is $20,000 or less; and $1,800 plus 3.6% of the excess over $20,000 if the property subject to administration is valued over $20,000.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2003
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