

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 99

(Delegate Vallario)

Judiciary

Judicial Proceedings

Estates - Modified Administration - Final Report and Distribution - Extension

This bill provides for a 90-day extension of the ten-month time period for filing of a final report under modified administration of an estate with the consent of the personal representative and all interested persons.

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

Fiscal Summary

State Effect: None. The bill is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Modified administration is available when all residuary legatees of a testate decedent and the heirs at law of an intestate decedent are limited to the decedent's personal representative, surviving spouse, and children. The personal representative must file an election for modified administration within three months of the date of appointment. The filing must indicate the consent of all residuary legatees or heirs at law. The law requires automatic revocation of modified administration for various reasons including failure by the personal representative to file a final report within ten

months after appointment and make distribution within 12 months. Courts are not given authority to extend this deadline.

Background: Effective for decedents dying after October 1, 1997, special provisions for modified administration were enacted towards the goal of limiting the role of the Register of Wills and the Orphans' Court in the administration of certain smaller, less complex estates. The purpose of the provision was to encourage expeditious closing of an estate and distribution of assets. To this end, the formal inventory and account provisions under normal administration were replaced by the less rigorous final report.

Additional Information

Prior Introductions: None.

Cross File: SB 310 (Senator Giannetti) – Judicial Proceedings.

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

Fiscal Note History: First Reader - February 4, 2003
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Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510