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By: **Senators Gladden and Giannetti**  
Introduced and read first time: February 6, 2004  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates - Election for Modified Administration**

3 FOR the purpose of altering the requirements for electing modified administration of  
4 an estate as the requirements relate to certain trusts; providing for the  
5 application of this Act; and generally relating to an election for modified  
6 administration of an estate.

7 BY repealing and reenacting, with amendments,  
8 Article - Estates and Trusts  
9 Section 5-702  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2003 Supplement)

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

14 **Article - Estates and Trusts**

15 5-702.

16 An election for modified administration may be filed by a personal  
17 representative of an estate within 3 months from the date of appointment, if:

18 (1) All residuary legatees of a testate decedent and the heirs at law of an  
19 intestate decedent are limited to the:

20 (i) Decedent's personal representative; and

21 (ii) Individuals or entities exempt from inheritance tax in the  
22 decedent's estate under § 7-203(b), (e), and (f) of the Tax - General Article;

23 (2) All trustees of each trust[, if any, created in the decedent's will]  
24 THAT IS A RESIDUARY LEGATEE are limited to the decedent's:

25 (i) Personal representative;

1 (ii) Surviving spouse; and

2 (iii) Children;

3 (3) The estate is solvent and sufficient assets exist to satisfy all  
4 testamentary gifts;

5 (4) A verified final report under modified administration is filed within  
6 10 months from the date of appointment;

7 (5) Final distribution of the estate can occur within 12 months from the  
8 date of appointment; and

9 (6) All residuary legatees of a testate decedent and the heirs at law of an  
10 intestate decedent consent to a modified administration as required under § 5-706 of  
11 this subtitle.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
13 construed to apply only prospectively and may not be applied or interpreted to have  
14 any effect on or application to an estate of a decedent who dies before October 1, 2004.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2004.