

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 730 (Senators Gladden and Giannetti)
Judicial Proceedings

Estates - Funeral Expenses

This bill removes the requirement for a personal representative of a solvent estate to obtain a court order to pay funeral expenses above \$5,000 when a will does not expressly authorize it. The requirement would remain for insolvent estates.

The bill is to be construed prospectively and may not be applied to any estate of a decedent who dies before the bill's October 1, 2004 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: The funeral expense allowance for an estate is limited to \$5,000 unless the estate is solvent and a special order of the court has been obtained or the will expressly empowers the personal representative to pay expenses without a court order.

Additional Information

Prior Introductions: SB 640 of 2003, an identical bill, was withdrawn by the sponsor.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2004
lc/jr

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