

(PRE-FILED)

By: **Senator Giannetti**

Requested: November 15, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2005

CHAPTER _____

1 AN ACT concerning

2 **Estates - Circuit Court Jurisdiction**

3 FOR the purpose of authorizing a circuit court to assume jurisdiction from the
4 orphans' court of an estate and direct the administration of the estate on a
5 certain petition under certain circumstances; and generally relating to estates
6 and circuit court jurisdiction.

7 BY repealing and reenacting, without amendments,
8 Article - Estates and Trusts
9 Section 2-102
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2004 Supplement)

12 BY adding to
13 Article - Estates and Trusts
14 Section 2-102.1
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2004 Supplement)

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

1

Article - Estates and Trusts

2 2-102.

3 (a) The court may conduct judicial probate, direct the conduct of a personal
4 representative, and pass orders which may be required in the course of the
5 administration of an estate of a decedent. It may summon witnesses. The court may
6 not, under pretext of incidental power or constructive authority, exercise any
7 jurisdiction not expressly conferred.

8 (b) The court may not establish rules of practice and procedure inconsistent
9 with the Maryland Rules or with any statute.

10 (c) An interested person may petition the court to resolve any question
11 concerning an estate or its administration.

12 (d) This section may not be construed to limit the court's authority under §
13 1-301(b) of this article.

14 2-102.1.

15 ON A PETITION FROM AN INTERESTED PERSON ALLEGING THAT THE ORPHANS'
16 COURT IS UNABLE OR UNWILLING TO GRANT COMPLETE AND ADEQUATE RELIEF IN
17 A PENDING CASE FOR OTHER THAN JURISDICTIONAL REASONS OR ON PETITION OF
18 THE ORPHANS' COURT, THE CIRCUIT COURT IN THAT COUNTY, ~~FOR GOOD CAUSE~~
19 ~~SHOWN~~, MAY ASSUME JURISDICTION OF THE ESTATE AND DIRECT THE ESTATE'S
20 ADMINISTRATION IF THE CIRCUIT COURT DETERMINES THAT ITS ASSUMPTION OF
21 JURISDICTION AND DIRECTION OF THE ESTATE'S ADMINISTRATION IS NECESSARY
22 TO AVOID UNDUE DELAY AND EXPENSE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.