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By: **Senator Green**

Introduced and read first time: January 14, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 2, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Estates - Funeral Expenses - Allowance**

3 FOR the purpose of altering the maximum allowance in certain estates for the funeral  
 4 expenses of a decedent; providing for the application of this Act; and generally  
 5 relating to the funeral expenses allowance for purposes of estate administration.

6 BY repealing and reenacting, with amendments,  
 7 Article - Estates and Trusts  
 8 Section 8-106(b)  
 9 Annotated Code of Maryland  
 10 (2001 Replacement Volume and 2004 Supplement)

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

13 **Article - Estates and Trusts**

14 8-106.

15 (b) Funeral expenses shall be allowed in the discretion of the court according  
 16 to the condition and circumstances of the decedent. In no event may the allowance  
 17 exceed [\$5,000] \$10,000 FOR AN ESTATE ADMINISTERED UNDER TITLE 5, SUBTITLE 3  
 18 OR SUBTITLE 4 OF THIS ARTICLE, OR \$5,000 FOR A SMALL ESTATE ADMINISTERED  
 19 UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE unless the estate of the decedent is  
 20 solvent and a special order of court has been obtained. If the estate is solvent and the  
 21 will expressly empowers the personal representative to pay the expenses without an  
 22 order of court, an allowance by the court is not required.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively and may not be applied or interpreted to have  
3 any effect on or application to an estate of a decedent who dies before October 1, 2005.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2005.