
By: **Delegates Aumann, Bates, Boteler, Eckardt, Elliott, Elmore, Frank,
Hogan, Kelly, Kohl, Krebs, McKee, Miller, Smigiel, Sossi, Stocksdale,
Stull, and Weir**

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates - Use of Property Tax Assessment for Valuation of Real and**
3 **Leasehold Property - Repeal**

4 FOR the purpose of repealing the authority for a personal representative to value
5 certain real and leasehold property based on a certain valuation for property tax
6 assessment purposes instead of a valuation by an appraisal; providing for the
7 application of this Act; and generally relating to estates and the valuation of real
8 and leasehold property.

9 BY repealing and reenacting, with amendments,
10 Article - Estates and Trusts
11 Section 7-202
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2005 Supplement)

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

16 **Article - Estates and Trusts**

17 7-202.

18 (a) (1) Subject to the provisions of this section, the value of each item listed
19 in the inventory shall be fairly appraised as of the date of death and stated in the
20 inventory.

21 (2) The personal representative may appraise the corporate stocks listed
22 on a national or regional exchange or over the counter securities and items in §
23 7-201(4) and (5) of this subtitle.

24 (3) The personal representative shall secure an independent appraisal of
25 the items in all of the other categories.

1 (4) The personal representative may select one of the methods specified
2 in this section.

3 (b) The personal representative may apply for appraisal by appraisers
4 designated by the register under § 2-301(a) or § 2-302 of this article.

5 [(c) (1) Except as provided in paragraph (2) of this subsection, instead of an
6 appraisal of the fair market value, real and leasehold property may be valued at the
7 full cash value for property tax assessment purposes as of the most recent date of
8 finality.

9 (2) Paragraph (1) of this subsection does not apply to property assessed
10 for property tax purposes on the basis of its use value.]

11 [(d) (C) Instead of an appraisal of the fair market value, a motor vehicle may
12 be valued by a personal representative on the basis of the average value of the motor
13 vehicle set forth in:

14 (1) The National Automobile Dealers' Association official used car guide;
15 or

16 (2) Any substantially similar price guide designated by the register.

17 [(e) (D) (1) The personal representative may employ a qualified and
18 disinterested appraiser to assist the personal representative in ascertaining the fair
19 market value, as of the date of the death of the decedent, of an asset the value of
20 which may be fairly debatable.

21 (2) Different persons may be employed to appraise different kinds of
22 assets included in the estate.

23 (3) The name and address of each appraiser shall be indicated on the
24 inventory with the item or items the appraiser appraised.

25 [(f) (E) Reasonable appraisal fees shall be allowed as an administration
26 expense.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply only prospectively and may not be applied or interpreted to have
29 any effect on or application to an estate of a person who dies before the effective date
30 of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2006.