

HOUSE BILL 47

N2

(PRE-FILED)

9lr0928

CF 9lr0443

By: **Delegate Norman**

Requested: November 6, 2008

Introduced and read first time: January 14, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Deposit of Wills with and Delivery by Register of Wills**
3 **– Proof of Identification**

4 FOR the purpose of requiring a showing of proper identification to deposit a will for
5 safekeeping with a register of wills; requiring, during the lifetime of the
6 testator, the showing of proper identification before a deposited will may be
7 delivered by the register of wills to the testator or to a person authorized by the
8 testator in writing to receive the will; clarifying language; making stylistic
9 changes; and generally relating to registers of wills.

10 BY repealing and reenacting, with amendments,
11 Article – Estates and Trusts
12 Section 4–201 and 4–202
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2008 Supplement)

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

17 **Article – Estates and Trusts**

18 4–201.

19 (a) (1) [A] **ON THE SHOWING OF PROPER IDENTIFICATION**, A will may
20 be deposited by the testator, or by [his] **THE TESTATOR’S** agent, for safekeeping with
21 the register of the county where the testator resides.

22 (2) The register shall give a receipt for [it] **A DEPOSITED WILL**, upon
23 the payment of the required fee.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) [The] **A DEPOSITED** will shall be enclosed in a sealed wrapper,
2 which shall have endorsed on it "Will of," followed by the name of the testator, [his]
3 **THE** address **OF THE TESTATOR**, and [his] **THE** Social Security number **OF THE**
4 **TESTATOR**, if available.

5 (2) The register shall endorse on [it] **A DEPOSITED WILL** the day
6 when and the person from whom [it] **THE WILL** was received.

7 (3) [The] **A DEPOSITED** will [is] **MAY** not [to] be delivered or opened
8 except as provided in this subtitle.

9 (c) During the lifetime of the [testator] **TESTATOR**, a deposited will may be
10 delivered, **ON THE SHOWING OF PROPER IDENTIFICATION**, only to [him] **THE**
11 **TESTATOR**, or to a person authorized by [him] **THE TESTATOR** in writing to receive
12 [it] **THE WILL**.

13 (d) (1) [The] **A DEPOSITED** will shall be opened by the register after
14 being informed of the death of the testator.

15 (2) The register shall notify the personal representative named in the
16 will, and any other person the register considers appropriate, that the will is on
17 deposit with the register.

18 (3) [The] **A** will shall be retained by the register as a deposited will
19 until offered for probate.

20 (4) The register shall keep a photographic copy of a will transmitted
21 elsewhere for probate.

22 4-202.

23 (A) After the death of a testator, a person having custody of [his] **THE**
24 **TESTATOR'S** will shall deliver the instrument to the register for the county in which
25 administration should be had pursuant to § 5-103 **OF THIS ARTICLE**.

26 (B) The custodian may inform an interested person of the contents of the will.

27 (C) A custodian who willfully fails or refuses to deliver a will to the register
28 after being informed of the death of the testator is liable to a person aggrieved for the
29 damages sustained by reason of the failure or refusal.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2009.