

HOUSE BILL 903

N2

9lr1001

By: **Delegates Hixson, Beitzel, and Lafferty**
Introduced and read first time: February 12, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Registers of Wills – Fees**

3 FOR the purpose of establishing that, unless otherwise provided by law, a register of
4 wills is not required to record a paper filed with the register or to provide a
5 person with a copy of a paper until the applicable charge has been paid; altering
6 the rates at which certain probate fees must be assessed on the value of probate
7 estates; altering certain fees for services provided by registers of wills;
8 eliminating certain fees for services provided by registers of wills; establishing
9 certain fees for services provided by registers of wills; altering the rates at
10 which certain fees for a small estate are to be assessed on the value of the small
11 estate; making stylistic changes; and generally relating to fees charged by
12 registers of wills.

13 BY repealing and reenacting, with amendments,
14 Article – Estates and Trusts
15 Section 2–206 and 5–606
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2008 Supplement)

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

20 **Article – Estates and Trusts**

21 2–206.

22 (a) (1) The registers of wills are entitled to charge and collect for the
23 performance of their duties the fees in this section.

24 (2) **UNLESS OTHERWISE PROVIDED BY LAW, A REGISTER OF**
25 **WILLS IS NOT REQUIRED TO RECORD A PAPER FILED WITH THE REGISTER OR TO**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PROVIDE A PERSON WITH A COPY OF A PAPER UNTIL THE APPLICABLE CHARGE**
 2 **HAS BEEN PAID.**

3 (b) (1) For taking probate of wills and furnishing 2 certified copies of the
 4 will and codicils, granting letters of administration and furnishing 12 certificates of
 5 letters, issuing warrants to appraise, entering on estate docket, filing elections of
 6 surviving spouses to take intestate shares, filing renunciations and disclaimers, filing
 7 and recording wills, bonds, inventories, accounts of sale, releases, administration
 8 accounts, petitions and orders, and other papers filed in the administration of
 9 decedents' estates not otherwise specified in subsections (c) through (l) of this section,
 10 the probate fees under paragraph (2) of this subsection.

11 (2) Probate fees shall be assessed on the value of the probate estate at
 12 the following rates:

	If the Value of the Probate Estate Is At Least	But Less Than	The Fee Is
13			
14			
15			
16			
17			
18			
19	(i) —	\$ 10,000	[\$ 50] \$ 100
20	(ii) \$ 10,000	\$ 20,000	[\$ 100] \$ 150
21	(iii) \$ 20,000	\$ 50,000	[\$ 150] \$ 200
22	(iv) \$ 50,000	\$ 75,000	[\$ 200] \$ 300
23	(v) \$ 75,000	\$ 100,000	[\$ 300] \$ 400
24	(vi) \$ 100,000	\$ 250,000	[\$ 400] \$ 500
25	(vii) \$ 250,000	\$ 500,000	[\$ 500] \$ 750
26	(viii) \$ 500,000	\$ 750,000	[\$ 750] \$1,000
27	(ix) \$ 750,000	\$1,000,000	[\$1,000] \$1,500
28	(x) \$1,000,000	\$2,000,000	[\$1,500] \$2,500
29	(xi) \$2,000,000	\$5,000,000	[\$2,500] \$3,500
30	(xii) \$5,000,000	—	[\$2,500] \$3,500
31			plus .02% of excess
32			over \$5,000,000

33 (3) Except as provided in paragraph (4) of this subsection, for purposes
 34 of determinations under paragraph (2) of this subsection, the value of a probate estate
 35 is the amount, as reflected in the administration accounts filed in the proceedings,
 36 that equals:

37 (i) The sum of:

38 1. The value of all inventories filed in the proceedings;

39 2. All principal and income receipts; and

1 3. All increases realized on a disposition, other than a
2 distribution to beneficiaries, of any probate asset; less

3 (ii) All decreases realized on a disposition, other than a
4 distribution to beneficiaries, of any probate asset.

5 (4) If an estate proceeds through modified administration, for the
6 purpose of determining the appropriate fee under paragraph (2) of this subsection, the
7 value of an estate is the gross value of the probate assets reported on the final report
8 under modified administration.

9 (5) (i) Except as provided in subparagraphs (ii) and (iii) of this
10 paragraph, the register shall assess and collect the probate fee when the first
11 administration account is filed.

12 (ii) If there are any additions to the value of a probate estate, as
13 reflected in any subsequent administration account, the register shall:

14 1. Assess an additional fee in an amount equal to the
15 excess of:

16 A. The fee as determined under paragraph (2) of this
17 subsection based on the value of the probate estate as reflected in the currently filed
18 administration account; over

19 B. The fee as determined under paragraph (2) of this
20 subsection based on the value of the probate estate as reflected in the most recent
21 previously filed administration account; and

22 2. Collect the additional fee when the subsequent
23 administration account is filed.

24 (iii) If an estate proceeds through modified administration, the
25 register shall assess and collect the probate fee when the personal representative files
26 the final report under modified administration.

27 (c) For furnishing additional certificates of letters, with seal..... [~~\$1~~] **\$5.**

28 (d) For affixing seal of office to a transcript or other paper, if expressly
29 required by law or a person [~~\$1~~] **\$5.**

30 [(e) For affixing seal of office to a certificate, transcript, or other paper
31 exemplified under the act of Congress..... ~~\$2~~] **\$2]**

1 [(f)] (E) For passing and entering every claim or voucher against an estate of a
2 deceased person, and endorsing certificate on each claim or voucher when passed by
3 the court or register, for each [\$3] **\$5.**

4 [(g)] (F) For entering papers in caveat or other controversial matter, for each
5 side.....[\$10] **\$100.**

6 [(h)] For transcribing papers filed in caveat or other controversial proceedings
7 when taken to higher court, per page or part of a page \$2

8 (i) For recording papers filed in caveat or other controversial proceedings,
9 when mandate of higher court is filed, per page or part of a page \$2

10 (j) For copies of a paper or record, including plain certification and seal, per
11 page or part of a page \$2]

12 [(k)] (G) For photostatic or other artificially reproduced copies of a paper or
13 record, per page or part of a page 50 cents.

14 [(l)] (H)For receiving a will for deposit during the lifetime of the
15 testator [\$5] **\$20.**

16 [(m)] (I) For all filing and entries regarding a guardianship proceeding:

17 (1) **INVOLVING ASSETS TOTALING LESS THAN \$10,000**, a single fee
18 of \$20; **OR**

19 (2) **INVOLVING ASSETS TOTALING OR EXCEEDING \$10,000, A**
20 **SINGLE FEE OF..... \$100.**

21 [(n)] (J) For receiving and paying over an inheritance tax due the State, the
22 register is allowed a commission of 25% of the inheritance tax.

23 [(o)] (K) For providing a probate information booklet and materials..... \$2.

24 [(p)] (L) For all proceedings involving a foreign personal representative, a
25 single fee of 1% of the gross value of the estate, not to exceed [\$100] **\$1,000.**

26 (M) **FOR PROCESSING AN APPLICATION FOR SPECIAL ADMISSION OF AN**
27 **OUT-OF-STATE ATTORNEY \$25.**

28 (N) **FOR A COPY OF A HEARING TAPE FROM ORPHANS' COURT..... \$25.**

29 (O) **FOR SHOW CAUSE ORDERS ISSUED FOR AN ESTATE:**

- 1 (1) 1STNO CHARGE;
- 2 (2) 2ND..... \$25;
- 3 (3) 3RD \$75; AND
- 4 (4) 4TH AND SUBSEQUENT \$150.

5 (P) FOR CERTIFIED MAIL, REGISTERED MAIL, OR CERTIFIED
 6 MAIL-RESTRICTED DELIVERY.....CHARGE INCURRED BY REGISTER.

7 (Q) FOR RETURNED CHECK FEE \$30.

8 5-606.

9 (a) (1) Except as provided in paragraph (2) of this subsection, for all
 10 services listed in § 2-206(b)(1) of this article that a register performs in connection
 11 with a small estate, the register shall receive the fees under subsection (b) of this
 12 section instead of the fees under § 2-206(b)(2) of this article.

13 (2) For each additional certificate of letters over 4 furnished in
 14 connection with a small estate, the register shall receive the additional fee under §
 15 2-206(c) of this article.

16 (b) Fees for a small estate shall be assessed on the value of the small estate
 17 at the following rates:

	If the Value of the Small Estate Is Greater Than	But No More Than	The Fee Is
18	(1) —	\$ 200	\$ 2
19	(2) \$ 200	[\$ 5,000]	[1% of the Value
20		\$ 1,000	of the Small
21			Estate] \$ 10
22	(3) [\$ 5,000]	\$ 10,000	[\$ 50] \$ 75
23	\$ 1,000		
24	(4) \$ 10,000	\$ 20,000	[\$ 100] \$ 150
25	(5) \$ 20,000	\$ 50,000	[\$ 150] \$ 200

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