

# SENATE BILL 138

N2

9lr0443  
CF HB 47

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By: **Senator Glassman**

Introduced and read first time: January 19, 2009

Assigned to: Judicial Proceedings

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## 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.

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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.