

SENATE BILL 528

N2

9lr0865

By: **Senators Kramer, Brinkley, Currie, Forehand, Kasemeyer, King,
Madaleno, Peters, Robey, and Stoltzfus**
Introduced and read first time: February 5, 2009
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that registers of wills are not required to record or
4 provide certain documents until certain fees have been paid; authorizing
5 registers of wills to provide certain services and charge a certain fee for the
6 services; authorizing registers of wills to charge a certain fee for certain
7 guardianship proceedings; altering certain fees for certain services; altering the
8 fees charged for administration of certain small estates and altering the values
9 of the small estate on which the fees are based; and generally relating to fees
10 charged by registers of wills.

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

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

18 **Article – Estates and Trusts**

19 2–206.

20 (a) **(1)** The registers of wills are entitled to charge and collect **THE FEES**
21 **LISTED IN THIS SECTION** for the performance of their duties [the fees in this section].

22 **(2) UNLESS OTHERWISE PROVIDED BY LAW, REGISTERS OF WILLS**
23 **ARE NOT REQUIRED TO RECORD ANY DOCUMENT FILED WITH REGISTERS OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **WILLS OR PROVIDE TO ANY PERSON A COPY OF A DOCUMENT UNTIL THE**
 2 **APPROPRIATE FEE FOR THE DOCUMENT 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	(i) —	\$ 10,000	[\$ 50] \$ 100
14	(ii) \$ 10,000	\$ 20,000	[\$ 100] \$ 150
15	(iii) \$ 20,000	\$ 50,000	[\$ 150] \$ 200
16	(iv) \$ 50,000	\$ 75,000	[\$ 200] \$ 300
17	(v) \$ 75,000	\$ 100,000	[\$ 300] \$ 400
18	(vi) \$ 100,000	\$ 250,000	[\$ 400] \$ 500
19	(vii) \$ 250,000	\$ 500,000	[\$ 500] \$ 750
20	(viii) \$ 500,000	\$ 750,000	[\$ 750] \$ 1,000
21	(ix) \$ 750,000	\$ 1,000,000	[\$ 1,000] \$ 1,500
22	(x) \$ 1,000,000	\$ 2,000,000	[\$ 1,500] \$ 2,500
23	(xi) \$ 2,000,000	\$ 5,000,000	[\$ 2,500] \$ 3,500
24	(xii) \$ 5,000,000	—	[\$ 2,500] \$ 3,500
25			plus .02% of excess
26			over \$5,000,000
27			
28			
29			
30			

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

- 35 (i) The sum of:
- 36 1. The value of all inventories filed in the proceedings;
- 37 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]**

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

- 1 [(g)] (F) For entering papers in caveat or other controversial matter, for
2 [each side] **THE PETITIONER** [\$10] **\$100**
- 3 [(h)] For transcribing papers filed in caveat or other controversial proceedings
4 when taken to higher court, per page or part of a page \$2
- 5 (i) For recording papers filed in caveat or other controversial proceedings,
6 when mandate of higher court is filed, per page or part of a page \$2
- 7 (j) For copies of a paper or record, including plain certification and seal, per
8 page or part of a page \$2]
- 9 [(k)] (G) For photostatic or other artificially reproduced copies of a paper or
10 record, per page or part of a page 50 cents
- 11 [(l)] (H) For receiving a will, **CODICIL, OR BOTH**, for deposit during the
12 lifetime of the testator [\$5] **\$20**
- 13 [(m)] (I) For all filing and entries regarding a guardianship proceeding,
14 a single fee of:
- 15 (1) **GUARDIANSHIP PROCEEDINGS INVOLVING ASSETS TOTALING**
16 **LESS THAN \$10,000** \$20
- 17 (2) **GUARDIANSHIP PROCEEDINGS INVOLVING ASSETS TOTALING**
18 **\$10,000 OR MORE** **\$100**
- 19 [(n)] (J) For receiving and paying over an inheritance tax due the State, the
20 register is allowed a commission of 25% of the inheritance tax.
- 21 [(o)] (K) For providing a probate information booklet and materials \$2
- 22 [(p)] (L) For all proceedings involving a foreign personal representative, a
23 single fee of 1% of the gross value of the estate, not to exceed [\$100.] **\$1,000**
- 24 (M) **FOR ATTORNEYS APPEARING PRO HAC VICE** **\$25**
- 25 (N) **FOR A COPY OF A HEARING RECORDING FROM AN ORPHANS'**
26 **COURT** **\$25**
- 27 (O) **FOR ESTABLISHING SHOW CAUSE HEARINGS FOR FAILURE TO FILE,**
28 **ASSESSED AGAINST PARTY AS DIRECTED BY THE COURT:**
- 29 (1) **FIRST OCCURRENCE** **\$0**

- 1 (2) **SECOND OCCURRENCE** **\$25**
- 2 (3) **THIRD OCCURRENCE** **\$75**
- 3 (4) **FOURTH AND SUBSEQUENT OCCURRENCES** **\$150**
- 4 (P) **FOR A RETURNED CHECK** **\$30**

5 (Q) **FOR THE ACTUAL COST OF ALL CERTIFIED MAILINGS, REGISTERED**
 6 **MAILINGS, AND PRIVATE SERVICE OF PROCESS MAILINGS, INCLUDING BUT NOT**
 7 **LIMITED TO:**

- 8 (1) **APPOINTMENT NOTIFICATIONS;**
- 9 (2) **SHOW CAUSE NOTICES; AND**
- 10 (3) **CAVEATS.**

11 5-606.

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

16 (2) For each additional certificate of letters over 4 furnished in
 17 connection with a small estate, the register shall receive the additional fee under §
 18 2-206(c) of this article.

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

	If the Value of the Small Estate Is Greater Than	But No More Than	The Fee Is
25	(1) —	\$ 200	\$ 2 \$ 10
26	(2) \$ 200	[\$ 5,000] \$ 1,000	[1% of the Value of the Small Estate]
27			
28	(3) [\$ 5,000] \$ 1,000	[\$ 10,000] \$ 2,500	[\$ 50] \$ 25
29	(4) [\$ 10,000] \$ 2,500	[\$ 20,000] \$ 5,000	[\$ 100] \$ 50
30	(5) [\$ 20,000] \$ 5,000	[\$ 50,000] \$ 10,000	[\$ 150] \$ 100
31	(6) \$ 10,000	\$ 20,000	\$ 150
32	(7) \$ 20,000	\$ 50,000	\$ 200

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