

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 138  
Judicial Proceedings

(Senator Glassman)

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**Estates and Trusts - Deposit of Wills with and Delivery by Register of Wills -  
Proof of Identification**

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This bill requires proper identification to be shown when a will is deposited by a testator (person who has made the will), or the testator's agent, for safekeeping with a register of wills. Proper identification must also be shown if, during the lifetime of the testator, the will is later delivered by the register of wills to the testator or a person authorized by the testator in writing to receive the will.

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**Fiscal Summary**

**State Effect:** None. The bill codifies existing practice and does not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A will may be deposited by a testator, or the testator's agent, for safekeeping with the register of wills of the county where the testator resides. During the lifetime of the testator, a deposited will may be delivered only to the testator or a person authorized by the testator in writing to receive it.

Upon being informed of the death of the testator, the will is opened by the register of wills and the register has to notify the personal representative named in the will, and any

other person the register considers appropriate, that the will is on deposit with the register. The will is retained by the register as a deposited will until offered for probate.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 47 (Delegate Norman) - Judiciary.

**Information Source(s):** Register of Wills, Department of Legislative Services

**Fiscal Note History:** First Reader - January 20, 2009  
ncs/kdm

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