

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 399

(Delegate Rosenberg)

Judiciary

Judicial Proceedings

**Estates and Trusts - Jurisdiction of Orphans' Court - Determination of Title to
Personal Property**

This bill increases the limit on the value of personal property (from \$20,000 to \$50,000) for which an orphans' court, or a court exercising the jurisdiction of the orphans' court, may determine questions of title for the purpose of determining what personal property is properly includable in an estate. The bill applies prospectively and does not affect or apply to any probate proceeding commenced before the bill takes effect.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: An orphans' court, or a court exercising the jurisdiction of an orphans' court, may determine questions of title to personal property of up to \$20,000 in value for the purpose of deciding what personal property is properly includable in an estate that is the subject of a proceeding before the court.

Background: An orphans' court hears all contested matters regarding a decedent's estate, including validity of wills and legal questions involving transfers of property. The court also supervises estates that are probated judicially; approves accounts, awards of personal representatives' commissions, and attorney's fees in all estates; and has concurrent jurisdiction with the circuit courts in the guardianship of minors and their

property. In Harford and Montgomery counties, a circuit court judge sits as the orphans' court.

The Estate and Trust Law Section Council of the Maryland State Bar Association indicates that the \$20,000 limit on the value of personal property with respect to which the orphans' court can make determinations of title limits the ability of orphans' courts to efficiently determine many personal property controversies. Interested persons alternatively have to take such controversies to circuit court, which can take longer and be more expensive.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland State Bar Association (Estate and Trust Law Section Council), Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2009
ncs/kdm Revised - House Third Reader - March 23, 2009
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