

# HOUSE BILL 337

N1, N2

0lr2052  
CF SB 341

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By: **Delegates Carter, Conaway, McConkey, and Vallario**

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Effect of Deed Granting Property from Trust or Estate**

3 FOR the purpose of providing that a grant of property by deed from a certain trust has  
4 the same effect as if the grantee had received the property from a certain  
5 trustee under certain circumstances; providing that a grant of property by deed  
6 from a certain estate has the same effect as if the grantee had received the  
7 property from a certain personal representative under certain circumstances;  
8 providing for the application of this Act; and generally relating to grants of  
9 property by deed from certain trusts or estates.

10 BY repealing and reenacting, with amendments,  
11 Article – Real Property  
12 Section 2–122  
13 Annotated Code of Maryland  
14 (2003 Replacement Volume and 2009 Supplement)

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

17 **Article – Real Property**

18 2–122.

19 (a) (1) In this section, “trust” means an express inter vivos or  
20 testamentary trust.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (2) “Trust” includes the following instruments or funding  
2 arrangements in the nature of a trust:

- 3           (i) A profit sharing plan;
- 4           (ii) A retirement plan;
- 5           (iii) A liquidating or liquidation plan; and
- 6           (iv) An unincorporated foundation.

7           (3) “Trust” does not include:

- 8           (i) A real estate investment trust as defined in § 8–101 of the  
9 Corporations and Associations Article;
- 10           (ii) A business trust as defined in § 12–101(c) of the  
11 Corporations and Associations Article; or
- 12           (iii) A trust, formed under the law of another state or a foreign  
13 country, that authorizes a trust to take, hold, and dispose of title to property in the  
14 name of the trust.

15           (b) (1) A grant of property by deed to a grantee designated in the deed as  
16 a trust has the same effect as if the grantor had granted the property to the trustee or  
17 trustees appointed and acting for the trust on the effective date of the deed.

18           **(2) ~~A~~ IF EXECUTED BY THE TRUSTEE OR TRUSTEES APPOINTED**  
19 **AND ACTING FOR THE TRUST ON THE EFFECTIVE DATE OF THE DEED, A GRANT**  
20 **OF PROPERTY BY DEED FROM A GRANTOR DESIGNATED IN THE DEED AS A**  
21 **TRUST HAS THE SAME EFFECT AS IF THE GRANTEE HAD RECEIVED THE**  
22 **PROPERTY FROM THE TRUSTEE OR TRUSTEES APPOINTED AND ACTING FOR THE**  
23 **TRUST ON THE EFFECTIVE DATE OF THE DEED.**

24           **[(2)] (C) (1)** A grant of property by deed to a grantee designated in  
25 the deed as an estate of a decedent, including the estate of a nonresident decedent, has  
26 the same effect as if the grantor had granted the property to:

27           (i) The personal representative or personal representatives  
28 appointed by a register of wills or orphans’ court in the State for the estate and acting  
29 as the personal representative on the effective date of the deed; or

30           (ii) A foreign personal representative exercising the powers of  
31 the office for the estate of a nonresident decedent on the effective date of the deed.

1                   **(2) ~~A~~ IF EXECUTED BY THE PERSON OR PERSONS INDICATED IN**  
 2 **ITEM (I) OR (II) OF THIS PARAGRAPH AS APPLICABLE, A GRANT OF PROPERTY BY**  
 3 **DEED FROM A GRANTOR DESIGNATED IN THE DEED AS AN ESTATE OF A**  
 4 **DECEDENT, INCLUDING THE ESTATE OF A NONRESIDENT DECEDENT, HAS THE**  
 5 **SAME EFFECT AS IF THE GRANTEE HAD RECEIVED THE PROPERTY FROM:**

6                   **(I) THE PERSONAL REPRESENTATIVE OR PERSONAL**  
 7 **REPRESENTATIVES APPOINTED BY A REGISTER OF WILLS OR ORPHANS' COURT**  
 8 **IN THE STATE FOR THE ESTATE AND ACTING AS THE PERSONAL**  
 9 **REPRESENTATIVE ON THE EFFECTIVE DATE OF THE DEED; OR**

10                   **(II) A FOREIGN PERSONAL REPRESENTATIVE EXERCISING**  
 11 **THE POWERS OF THE OFFICE FOR THE ESTATE OF A NONRESIDENT DECEDENT**  
 12 **ON THE EFFECTIVE DATE OF THE DEED.**

13                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to any  
 14 grant of property by a trust or estate contained in a deed existing on or after the  
 15 effective date of this Act.

16                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.