

SENATE BILL 338

N2

0lr1561
CF HB 329

By: **Senator Frosh**

Introduced and read first time: January 28, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Elective Share – Extension of Time for Making Election**

3 FOR the purpose of authorizing a surviving spouse, within the period provided for
4 making an election to take an elective share of the deceased spouse's estate, to
5 file with the court a petition for an extension of time, with a copy given to the
6 personal representative; repealing the limitation that the court may only grant
7 an extension before the expiration of the time in which to make the election; and
8 generally relating to the election by a surviving spouse to take an elective share
9 of the deceased spouse's estate.

10 BY repealing and reenacting, with amendments,
11 Article – Estates and Trusts
12 Section 3–206
13 Annotated Code of Maryland
14 (2001 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 – Estates and Trusts**

18 3–206.

19 (a) (1) The election by a surviving spouse to take an elective share shall
20 be made within the later of:

21 (i) Nine months after the date of the decedent's death; or

22 (ii) Six months after the first appointment of a personal
23 representative under a will.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **(I)** **WITHIN THE PERIOD FOR MAKING AN ELECTION, THE**
2 **SURVIVING SPOUSE MAY FILE WITH THE COURT A PETITION FOR AN EXTENSION**
3 **OF TIME, WITH A COPY GIVEN TO THE PERSONAL REPRESENTATIVE.**

4 **(II)** **[The] FOR GOOD CAUSE SHOWN, THE** court may extend
5 the time for election[, before its expiration,] for a period not to exceed three months at
6 a time[, upon notice given to the personal representative and for good cause shown].

7 (b) The surviving spouse may withdraw the election at any time before the
8 expiration of the time for making the election to take an elective share.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2010.