

SENATE BILL 341

N1, N2

0lr1562
CF HB 337

By: **Senator Frosh**

Introduced and read first time: January 28, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; providing that a grant of property by deed from a certain estate has the
6 same effect as if the grantee had received the property from a certain personal
7 representative; providing for the application of this Act; and generally relating
8 to grants of property by deed from certain trusts or estates.

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

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

16 **Article – Real Property**

17 2–122.

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

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

22 (i) A profit sharing plan;

23 (ii) A retirement plan;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) A liquidating or liquidation plan; and

2 (iv) An unincorporated foundation.

3 (3) "Trust" does not include:

4 (i) A real estate investment trust as defined in § 8–101 of the
5 Corporations and Associations Article;

6 (ii) A business trust as defined in § 12–101(c) of the
7 Corporations and Associations Article; or

8 (iii) A trust, formed under the law of another state or a foreign
9 country, that authorizes a trust to take, hold, and dispose of title to property in the
10 name of the trust.

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

14 **(2) A GRANT OF PROPERTY BY DEED FROM A GRANTOR**
15 **DESIGNATED IN THE DEED AS A TRUST HAS THE SAME EFFECT AS IF THE**
16 **GRANTEE HAD RECEIVED THE PROPERTY FROM THE TRUSTEE OR TRUSTEES**
17 **APPOINTED AND ACTING FOR THE TRUST ON THE EFFECTIVE DATE OF THE**
18 **DEED.**

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

22 (i) The personal representative or personal representatives
23 appointed by a register of wills or orphans' court in the State for the estate and acting
24 as the personal representative on the effective date of the deed; or

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

27 **(2) A GRANT OF PROPERTY BY DEED FROM A GRANTOR**
28 **DESIGNATED IN THE DEED AS AN ESTATE OF A DECEDENT, INCLUDING THE**
29 **ESTATE OF A NONRESIDENT DECEDENT, HAS THE SAME EFFECT AS IF THE**
30 **GRANTEE HAD RECEIVED THE PROPERTY FROM:**

31 **(I) THE PERSONAL REPRESENTATIVE OR PERSONAL**
32 **REPRESENTATIVES APPOINTED BY A REGISTER OF WILLS OR ORPHANS' COURT**

1 IN THE STATE FOR THE ESTATE AND ACTING AS THE PERSONAL
2 REPRESENTATIVE ON THE EFFECTIVE DATE OF THE DEED; OR

3 (II) A FOREIGN PERSONAL REPRESENTATIVE EXERCISING
4 THE POWERS OF THE OFFICE FOR THE ESTATE OF A NONRESIDENT DECEDENT
5 ON THE EFFECTIVE DATE OF THE DEED.

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

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