

HOUSE BILL 485

N2

6lr2087

By: **Delegates Miele, Arentz, Carozza, Jacobs, Morgan, and Otto**

Introduced and read first time: February 1, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Register of Wills – Admission of Copy of Executed Will**

3 FOR the purpose of authorizing an interested person to file with the register of wills in a
4 county, rather than the orphans' court, a petition for admission of a copy of an
5 executed will in a probate proceeding; authorizing a register to accept a copy of an
6 executed will for administrative probate without an order from the orphans' court;
7 authorizing a register to require the filing of judicial probate; repealing certain
8 provisions, rendered obsolete by this Act, that authorized an orphans' court to order
9 administrative or judicial probate of a copy of a will; providing for the application of
10 this Act; and generally relating to the admission of a copy of an executed will in a
11 probate proceeding.

12 BY repealing and reenacting, with amendments,
13 Article – Estates and Trusts
14 Section 5–802 and 5–804
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2015 Supplement)

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

19 **Article – Estates and Trusts**

20 5–802.

21 A petition for admission of a copy of a will may be filed with the [court] **REGISTER**
22 at any time before administrative or judicial probate if:

23 (1) The original executed will is alleged to be lost or destroyed;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A duplicate reproduction of the original executed will, evidencing a copy
2 of the original signatures of the decedent and the witnesses, is offered for admission; and

3 (3) All the heirs at law and legatees named in the offered will execute a
4 consent in the manner set forth in § 5–803 of this subtitle.

5 5–804.

6 The [court] **REGISTER** may:

7 (1) [Without a hearing, issue an order authorizing:

8 (i) The petitioner to proceed with administrative probate in
9 accordance with Subtitle 3 of this title; and

10 (ii) The register to accept] **ADMIT** the copy of the will for
11 administrative probate; or

12 (2) Require the filing of judicial probate in accordance with Subtitle 4 of
13 this title.

14 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to the estate of any decedent who died before the effective date of this Act.

17 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect
18 October 1, 2016.