

HOUSE BILL 8

N2
HB 1336/16 – HGO

(PRE-FILED)

7lr0902

By: **Delegate S. Howard**

Requested: October 18, 2016

Introduced and read first time: January 11, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Notice Requirement – Method of Delivery**

3 FOR the purpose of repealing certain exceptions to certain notice requirements for certain
4 estate matters if certain laws or rules require a different method of delivery;
5 repealing a certain provision of law that authorizes the orphans' court to require or
6 the personal representative to elect delivery of notice in a certain manner at the
7 expense of the estate; repealing a provision of law that requires certain proof of
8 reasonable efforts to give notice under certain circumstances; providing for the
9 application of this Act; making stylistic changes; and generally relating to notice
10 requirements for matters relating to estates of decedents.

11 BY repealing and reenacting, with amendments,
12 Article – Estates and Trusts
13 Section 1–103
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2016 Supplement)

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

18 **Article – Estates and Trusts**

19 1–103.

20 (a) [(1) Unless personal service or some other method of notice is expressly
21 required in this article or by the Maryland Rules, the] **THE** first notice required to be given
22 a person is sufficient if deposited as first-class mail, postage prepaid, addressed to the
23 addressee at the address last known to the sender.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(2) At the expense of the estate, the orphans' court may require or the
2 personal representative may elect to have the first notice given by restricted delivery mail,
3 postage prepaid, return receipt requested, addressed to the addressee at the address last
4 known to the sender, with delivery restricted to the addressee.]

5 (b) A subsequent notice is sufficient if deposited as first-class mail, postage
6 prepaid, addressed to the same address at which the first notice was received or, after notice
7 in writing from the addressee of a change of address, to [his] **THE** new address.

8 [(c) If no return receipt is received apparently signed by the addressee, and there
9 is no proof of actual notice, no action taken in a proceeding may prejudice the rights of the
10 person entitled to notice unless proof is made by verified writing to the satisfaction of the
11 court or register that reasonable efforts to locate the addressee and warn him of the
12 pendency of the action have been made.

13 (d) **(C)** If the person to whom notice is sent is a minor or disabled person, and
14 the minority or disability was not known to the sender at the time of the first notice, but
15 was later discovered, any subsequent notice shall be sent to the judicially appointed
16 guardian, if any, or, if none, the parent of the minor or disabled person, or other person who
17 has assumed responsibility for the minor or disabled person.

18 [(e) **(D)** **(1)** A person, including a guardian or a guardian ad litem, may waive
19 notice by a writing signed by [him] **THE PERSON** or [his] **THE PERSON'S** attorney and
20 filed in the proceeding.

21 **(2)** A personal representative is not required to give notice to [himself] **THE**
22 **PERSONAL REPRESENTATIVE**.

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2017.