## **HOUSE BILL 556**

N2 (8lr3542)

## ENROLLED BILL

— Health and Government Operations/Judicial Proceedings —

Introduced by <b>Delegate Sydnor</b>	
Read and Exan	mined by Proofreaders:
	Proofreader.
	Proofreader.
Sealed with the Great Seal and prese	ented to the Governor, for his approval this
day of at	o'clock,M.
_	Speaker.
CHA	PTER
AN ACT concerning	
Estates and Trusts – Admini	stration of Estates - Waiver of Fees
administration of an estate if certa State is to be transferred to a cer subject to sale under certain provi	ters a register of wills to waive certain fees for the in real property subject to administration in this rtain individual or is encumbered by a lien and sions of law, and the estate is unable to pay the enal representative is represented by an attorney
retained through a certain program	n, the program provides the register with a certain
· · · · · · · · · · · · · · · · · · ·	certain certification, the personal representative
·	e estate meets certain criteria for administration fees by reason of poverty; defining a certain term;
	ication of this Act; and generally relating to fees
for estate administration.	, , , ,
BY repealing and reenacting, with amend	lments,

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1	Article – Estates and Trusts										
2	Section 2–206(a)										
3	Annotated Code of Maryland										
4	(2017 Replacement Volume)										
_											
5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,										
6	That the Laws of Maryland read as follows:										
7	Article – Estates and Trusts										
1	Article – Estates and Trusts										
8	2–206.										
O											
9	(a) (1) IN THIS SUBSECTION, "POVERTY" MEANS:										
10	(I) AT THE TIME OF THE DECEDENT'S DEATH, THE DECEDENT'S										
11	FAMILY HOUSEHOLD INCOME WAS LESS THAN 50% OF THE MEDIAN FAMILY INCOME										
12	FOR THE STATE AS REPORTED IN THE FEDERAL REGISTER; OR										
	<u> </u>										
13	(II) THE PERSONAL REPRESENTATIVE IS REPRESENTED BY AN										
14	ATTORNEY RETAINED THROUGH THE MARYLAND LEGAL SERVICES CORPORATION.										
15	(2) The registers of wills are entitled to charge and collect for the										
16	performance of their duties the fees in this section.										
	Perrormando de unida distración de reconstrucción										
17	(2) (3) THE REGISTERS A REGISTER OF WILLS MAY WAIVE ANY										
18	FEES UNDER THIS SECTION FOR THE ADMINISTRATION OF AN ESTATE IF:										
19	(I) THE REAL PROPERTY OF THE DECEDENT SUBJECT TO										
20	ADMINISTRATION IN THE STATE IS:										
21	1. To be transferred to <del>an heir</del> <del>a spouse,</del>										
22	DESCENDANT, SIBLING, OR DESCENDANT OF A SIBLING AN HEIR OF THE DECEDENT										
23	WHO RESIDES OR INTENDS TO RESIDE ON THE PROPERTY; OR										
20	WITO RESIDES OR INTEREST TO RESIDE ON THE PROPERTY, OR										
24	2. Encumbered by a lien against the property										
25	AND SUBJECT TO SALE UNDER TITLE 14, SUBTITLE 8 OF THE TAX – PROPERTY										
	•										
26	ARTICLE; <u>AND</u>										
27	(II) THE ESTATE IS UNABLE TO PAY THE FEES BY REASON OF										
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28	POVERTY. AND										
29	(II) THE ESTATE IS UNABLE TO PAY THE FEES BY REASON OF										
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30	<del>YUVBKIY</del>										

ATTORNEY RETAINED THROUGH A PRO BONO OR LEGAL SERVICES PROGRAM THAT IS ON THE LIST OF PROGRAMS SERVING LOW INCOME INDIVIDUALS SUBMITTED BY THE MARYLAND LEGAL SERVICES CORPORATION TO THE STATE COURT ADMINISTRATOR AND PUBLISHED ON THE JUDICIARY WEBSITE.  (III) AN AUTHORIZED ACENT OF THE PRO BONO OR LEGAL SERVICES PROGRAM PROVIDES THE REGISTER WITH A STATEMENT THAT:    INCLUDES THE NAMES OF THE PROGRAM, ATTORNEY, AND PARTYLAND	1	(II) THE PERSONAL REPRESENTATIVE IS REPRESENTED BY AN							
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6 (III) AN AUTHORIZED AGENT OF THE PRO BONG OR LEGAL 7 SERVICES PROGRAM PROVIDES THE REGISTER WITH A STATEMENT THAT: 8 1. INCLUDES THE NAMES OF THE PROGRAM, ATTORNEY, 9 AND PARTY; AND 10 2. STATES THAT THE ATTORNEY IS ASSOCIATED WITH 11 THE PROGRAM AND THAT THE PARTY MEETS THE FINANCIAL ELIGIBILITY CRITERIA 12 OF THE MARYLAND LEGAL SERVICES CORPORATION; 13 (IV) THE ATTORNEY CERTIFIES, TO THE BEST OF THE 14 ATTORNEY'S KNOWLEDGE, INFORMATION, AND BELIEF, THAT THERE ARE GOOD 15 GROUNDS TO SUPPORT THE REQUEST FOR THE WAIVER AND THAT THE REQUEST IS 16 NOT BEING MADE FOR ANY IMPROPER PURPOSE OR TO CAUSE DELAY; 17 (V) IF THE REAL PROPERTY IS TO BE TRANSFERRED TO AN 18 INDIVIDUAL DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH, THE PERSONAL 19 REPRESENTATIVE SUBMITS AN AFFIDAVIT STATING THAT THE PROSENTE ASSETS 20 DESCENDANT OF A SIBLING RESIDES; AND 21 DESCENDANT OF A SIBLING RESIDES; AND 22 (VI) THE ESTATE MEETS THE CRITERIA FOR ADMINISTRATION 23 AS: 24 L. ASMALL ESTATE: 25 LA REGULAR ESTATE: 26 LIN WHICH THE ONLY PROBATE ASSET IS THE REAL 27 PROPERTY SUBJECT TO TRANSFER OR SALE. 28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to	4	THE MARYLAND LEGAL SERVICES CORPORATION TO THE STATE COURT							
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application to any estate opened before the effective date of this Act.

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 $\begin{array}{c} 1 \\ 2 \end{array}$ 

SECTION October 1, 2018.	3.	AND	BE	IT	FURTHER	ENACTED,	That	this	Act	shall	take	effect
Approved:												
									G	overn	or.	
						Speaker of	the Ho	ouse	of D	elegat	es.	
						]	Presid	ent o	f the	Sena	te.	_