

SENATE BILL 466

N2

8lr2250
CF HB 556

By: **Senators Eckardt, Bates, Edwards, Ferguson, Hershey, Salling, Serafini, and Smith**

Introduced and read first time: January 26, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Administration of Estates – Waiver of Fees**

3 FOR the purpose of authorizing ~~the registers~~ a register of wills to waive certain fees for the
4 administration of an estate if certain real property subject to administration in this
5 State is to be transferred to a certain individual or is encumbered by a lien and
6 subject to sale under certain provisions of law, and the estate is unable to pay the
7 fees by reason of poverty; providing for the prospective application of this Act; and
8 generally relating to fees for estate administration.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 2–206(a)
12 Annotated Code of Maryland
13 (2017 Replacement Volume)

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

16 **Article – Estates and Trusts**

17 2–206.

18 (a) **(1)** The registers of wills are entitled to charge and collect for the
19 performance of their duties the fees in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 **(2) ~~THE REGISTERS~~ A REGISTER OF WILLS MAY WAIVE ANY FEES**
2 **UNDER THIS SECTION FOR THE ADMINISTRATION OF AN ESTATE IF:**

3 **(I) THE REAL PROPERTY OF THE DECEDENT SUBJECT TO**
4 **ADMINISTRATION IN THE STATE IS:**

5 **1. TO BE TRANSFERRED TO AN HEIR OF THE DECEDENT**
6 **WHO RESIDES ~~OR INTENDS TO RESIDE~~ ON THE PROPERTY; OR**

7 **2. ENCUMBERED BY A LIEN AGAINST THE PROPERTY**
8 **AND SUBJECT TO SALE UNDER TITLE 14, SUBTITLE 8 OF THE TAX – PROPERTY**
9 **ARTICLE; AND**

10 **(II) THE ESTATE IS UNABLE TO PAY THE FEES BY REASON OF**
11 **POVERTY.**

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

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.