

Chapter 224

(Senate Bill 261)

AN ACT concerning

Estates and Trusts – Administration of Estates – Waiver of Fees – Required

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

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–206(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Estates and Trusts

2–206.

(a) (1) In this subsection, “poverty” means:

(i) At the time of the decedent’s death, the decedent’s family household income was less than 50% of the median family income for the State as reported in the Federal Register; or

(ii) The personal representative is represented by an attorney retained through the Maryland Legal Services Corporation.

(2) The registers of wills are entitled to charge and collect for the performance of their duties the fees in this section.

(3) A register of wills [may] **SHALL** waive any fees under this section for the administration of an estate if:

(i) The real property of the decedent subject to administration in the State is:

1. To be transferred to an heir of the decedent who resides on

the property; or

2. Encumbered by a lien against the property and subject to sale under Title 14, Subtitle 8 of the Tax – Property Article; and

(ii) The estate is unable to pay the fees by reason of poverty.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.