

SENATE BILL 151

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0lr1644
CF HB 543

By: **Senator West**

Introduced and read first time: January 10, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2020

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Closed Estates – Subsequent Discovery of Check**

3 FOR the purpose of authorizing a court, following the discovery of a check to a decedent or
4 the estate of a decedent payable for a sum not exceeding a certain amount after the
5 estate is closed and the appointment of the personal representative is terminated, to
6 enter an order authorizing a certain interested person to indorse and deposit the
7 check into the interested person's bank account for a certain purpose under certain
8 circumstances; providing that a hearing is not required before a court may enter the
9 order authorized under this Act, subject to certain exceptions; making stylistic
10 changes; and generally relating to the administration of decedents' estates.

11 BY repealing and reenacting, with amendments,
12 Article – Estates and Trusts
13 Section 10–104
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2019 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 10–104.

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 (a) [If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF
 2 property is discovered after an estate has been closed and the appointment of the personal
 3 representative has been terminated [pursuant to] UNDER § 10–101 of this subtitle, the
 4 court, on petition of an interested person and on [such] ANY notice as [it] THE COURT may
 5 direct, may appoint the same or a successor personal representative and make other
 6 appropriate orders.

7 (b) Further proceedings shall be conducted [pursuant to] IN ACCORDANCE WITH
 8 the provisions of the estates of decedents law as may be applicable, but no claim previously
 9 barred may be asserted in the reopened administration.

10 (c) (1) ~~IF~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A CHECK
 11 PAYABLE TO A DECEDENT OR THE ESTATE OF A DECEDENT FOR A SUM NOT
 12 EXCEEDING \$1,000 IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE
 13 APPOINTMENT OF THE PERSONAL REPRESENTATIVE HAS TERMINATED UNDER §
 14 10–101 OF THIS SUBTITLE, ON A VERIFIED ~~REQUEST~~ PETITION MADE BY AN
 15 INTERESTED PERSON, THE COURT MAY ENTER AN ORDER AUTHORIZING THE
 16 INTERESTED PERSON TO INDORSE AND DEPOSIT THE CHECK INTO THE INTERESTED
 17 PERSON’S BANK ACCOUNT FOR THE LIMITED PURPOSE OF DISTRIBUTING THE
 18 FUNDS IN ACCORDANCE WITH THE WILL OR, IF THE DECEDENT DIED INTESTATE, IN
 19 ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THIS ARTICLE.

20 (2) (i) UNLESS REQUESTED BY AN INTERESTED PERSON, THE
 21 COURT MAY ENTER AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION
 22 WITHOUT A HEARING.

23 (ii) THE COURT MAY NOT ENTER AN ORDER UNDER PARAGRAPH
 24 (1) OF THIS SUBSECTION IF:

25 1. THE ESTATE OF THE DECEDENT WAS INSOLVENT
 26 WHEN IT WAS CLOSED;

27 2. THE CHECK DISCOVERED AFTER THE ESTATE WAS
 28 CLOSED INCREASES THE VALUE OF THE ESTATE ABOVE THE VALUE THAT QUALIFIES
 29 UNDER § 5–601 OF THIS ARTICLE FOR ADMINISTRATION AS A SMALL ESTATE; OR

30 3. ANY ADDITIONAL FEES AND INHERITANCE TAXES DUE
 31 AS A RESULT OF THE DISCOVERED CHECK ARE NOT PAID WITH THE PETITION.

32 (iii) THE DISTRIBUTION OF FUNDS BY AN INTERESTED PERSON
 33 UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MADE WITHIN 60 DAYS AFTER
 34 THE COURT’S ORDER AUTHORIZING THE DISTRIBUTION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 36 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.