

Chapter 239

(House Bill 543)

AN ACT concerning

Estates and Trusts – Closed Estates – Subsequent Discovery of Check

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

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 10–104
 Annotated Code of Maryland
 (2017 Replacement Volume and 2019 Supplement)

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

Article – Estates and Trusts

10–104.

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

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

(c) **(1) ~~IF~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A CHECK PAYABLE TO A DECEDENT OR THE ESTATE OF A DECEDENT FOR A SUM NOT EXCEEDING \$1,000 IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE HAS TERMINATED UNDER § 10–101 OF THIS SUBTITLE, ON A VERIFIED ~~REQUEST~~ PETITION MADE BY AN**

INTERESTED PERSON, THE COURT MAY ENTER AN ORDER AUTHORIZING THE INTERESTED PERSON TO INDORSE AND DEPOSIT THE CHECK INTO THE INTERESTED PERSON'S BANK ACCOUNT FOR THE LIMITED PURPOSE OF DISTRIBUTING THE FUNDS IN ACCORDANCE WITH THE WILL OR, IF THE DECEDENT DIED INTESTATE, IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THIS ARTICLE.

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.