

HOUSE BILL 660

N2
HB 485/16 – HGO

5lr1737

By: **Delegates Terrasa, Guyton, Kaufman, Lehman, J. Long, Ruth, and Schindler**
Introduced and read first time: January 24, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Register of Wills – Admission of Copy of Executed Will**

3 FOR the purpose of authorizing an interested person to file with the register of wills in a
4 county, rather than the orphans' court, a petition for admission of a copy of an
5 executed will in a probate proceeding; authorizing a register to accept a copy of an
6 executed will for administrative probate without an order from the orphans' court;
7 authorizing a register to require the filing of judicial probate; and generally relating
8 to the admission of a copy of an executed will in a probate proceeding.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 5–802 and 5–804
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2024 Supplement)

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 5–802.

18 A petition for admission of a copy of a will may be filed with the [court] REGISTER
19 at any time before administrative or judicial probate if:

20 (1) The original executed will is alleged to be lost or destroyed;

21 (2) A duplicate reproduction of the original executed will, evidencing a copy
22 of the original signatures of the decedent and the witnesses, is offered for admission; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) All the heirs at law and legatees named in the offered will execute a
2 consent in the manner set forth in § 5–803 of this subtitle.

3 5–804.

4 The [court] REGISTER may:

5 (1) [Without a hearing, issue an order authorizing:

6 (i) The petitioner to proceed with administrative probate in
7 accordance with Subtitle 3 of this title; and

8 (ii) The register to accept the] ADMIT A copy of [the] A will for
9 administrative probate; or

10 (2) Require the filing of judicial probate in accordance with Subtitle 4 of
11 this title.

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 the estate of any decedent who died before the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.