Article - Estates and Trusts

[Previous][Next]

§3–105.

(a) (1) (i) The provisions of this subsection are applicable if there is no person entitled to take under §§ 3–102 through 3–104 of this subtitle.

(ii) The provisions of this subsection do not apply to any portion of a decedent's estate that is comprised of land that is the subject of an application for a certificate of reservation for public use under Title 13, Subtitle 3 of the Real Property Article.

(2) (i) If an individual was a recipient of long–term care benefits under the Maryland Medical Assistance Program at the time of the individual's death, the net estate shall be converted to cash and paid to the Maryland Department of Health, and shall be applied for the administration of the program.

(ii) If the provisions of subparagraph (i) of this paragraph are not applicable, the net estate shall be converted to cash and paid to the board of education in the county in which the letters were granted, and shall be applied for the use of the public schools in the county.

(b) (1) After payment has been made to the Maryland Department of Health or to the board of education, if a claim for refund is filed by a relative within the fifth degree living at the death of the decedent or by the personal representative of the relative, and the claim is allowed, the claimant shall be entitled to a refund, without interest, of the sum paid.

(2) A claim for refund under this subsection may not be filed after the later of:

(i) 3 years after the death of the decedent; or

(ii) 1 year after the time of distribution of the property.

[Previous][Next]