Article - Estates and Trusts

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§8–103.

(a) Except as otherwise expressly provided by statute with respect to claims of the United States or the State, a claim against an estate of a decedent, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, is forever barred against the estate, the personal representative, and the heirs and legatees, unless presented within the earlier of the following dates:

(1) 6 months after the date of the decedent's death; or

(2) 2 months after the personal representative mails or otherwise delivers to the creditor a copy of a notice in the form required by § 7–103 of this article or other written notice, notifying the creditor that the claim will be barred unless the creditor presents the claim within 2 months after the mailing or other delivery of the notice.

(b) A claim for slander against an estate of a decedent that arose before the death of the decedent is barred even if an action was commenced against and service of process was effected on the decedent before the decedent's death.

(c) A claim against the estate based on the conduct of or a contract with a personal representative is barred unless an action is commenced against the estate within 6 months after the date the claim arose.

(d) Nothing in this section shall affect or prevent an action or proceeding to enforce a mortgage, pledge, judgment or other lien, or security interest on property of the estate.

(e) If the decedent had been duly served with process before the decedent's death, nothing in this section shall affect an action for injuries to the person or damage to property that was commenced against the decedent.

(f) A claim filed by the Maryland Department of Health against the estate of a deceased Maryland Medical Assistance Program recipient, as authorized under § 15–121(a) of the Health – General Article, is forever barred against the estate, the personal representative, and the heirs and legatees, unless the claim is presented within the earlier of the following dates:

(1) 6 months after publication of notice of the first appointment of a personal representative; or

(2) 2 months after the personal representative mails or otherwise delivers to the Department's Division of Medical Assistance Recoveries a copy of a notice in the form required under § 7–103 of this article or other written notice, notifying the Department that the claim shall be barred unless the Department presents its claim within 2 months from the receipt of the notice.

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