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January 23, 2020

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Senate Bill 149 – Estates and Trusts – Orphans’ Courts – Appeals - Procedures

Dear Chairman Smith and Members of the Committee

Upon an appeal from the Orphans Court to a Circuit Court, the record of the proceedings before the Orphans Court is required to be transmitted by the Register of Wills to the Circuit Court within a specific period of time. The problem is that Maryland Rule 7-505(e) requires the record to be transmitted within 60 days after the date that the appeal was filed while Section 12-502(b)(2) of the Courts and Judicial Proceedings Article of the Maryland Code requires the record to be transmitted within 30 days after the appeal was filed.

Senate Bill 149, which was brought to me by the Estates and Trusts Section of the Maryland State Bar Association, sorts out this inconsistency and amends Section 12-502(b)(2) to provide that the record should be transmitted to the Circuit Court within 60 days after the appeal was filed, thereby bringing the statute in line with the Rule.

I urge the Committee to give Senate Bill 149 a favorable recommendation.