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Judicial Proceedings Committee

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THE SENATE OF MARYLAND
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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 151 – Estates and Trusts – Closed Estates – Subsequent Discovery of Check

Dear Chairman Smith and Members of the Committee

My mother-in-law died in 2009. Her estate was probated, all of the assets were marshalled and distributed to her heirs, and then the estate was closed, her personal representative was discharged, the estate's bank account was closed and the estate's attorney closed his file. Two years later, a modest check, under \$1,000, arrived in the mail at our house made payable to my mother-in-law. We wondered how we should deal with the unexpected check. As there were only two beneficiaries, my wife and her sister, my wife simply deposited the unexpected check into her own checking account and then sent her sister a check for half of the amount of the unexpected check. Done. A practical solution.

Under Maryland's current law of estates and trusts, it turns out that my wife handled the situation incorrectly. What she should have done was to get the estate's attorney to re-open his file. Then he should have filed a petition with the Court requesting the new appointment of a personal representative. In this process, the Court might have required the personal representative to post a bond. Then the personal representative should have opened a new estate bank account. Then the personal representative should have filed a supplemental inventory and account with the Court. Eventually, the unexpected check should have been deposited into the new bank account and, pursuant to a Court Order should have been disbursed to my wife and her sister. All of this activity would have been expensive, and the attorneys' fees would probably have exceeded the value of the unexpected check, which as I recall was about \$189.

Senate Bill 151, which was brought to me by the Maryland State Bar Association's Estates and Trusts Section, will provide beneficiaries with an efficient option for handling unexpected checks of \$1,000 or less that arrive after the closing of the estate. Upon a verified request filed in the Court by any interested person of the estate and notice given to all interested persons, the

Orphans Court can issue an Order allowing the interested person to deposit the check into his or her own bank account and then disburse the money in accordance with the decedent's Will. In short, Senate Bill 151 devises a practical and inexpensive solution to the problem along the lines adopted by my wife when the unexpected check arrived at our house after her mother's death. I hope the Committee will issue a favorable report on Senate Bill 150.