



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 22, 2021

To: The Honorable Luke Clippinger  
Chair, Judiciary Committee

From: Delegate Jen Terrasa  
District 13, Howard County

Re: Sponsor Testimony in Support of HB 766  
Estates and Trusts – Administration of Estates – Fees

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Dear Chairman Clippinger, Vice Chair Atterbeary and members of the Judiciary Committee,

Thank you for the opportunity to present HB 766 which would eliminate fees in small estates, correct a regressive probate fee schedule, and make a series of needed clarifying and technical changes to reduce the administrative burden on collecting these fees.

As you may know, probate is the legal process of transferring probate assets – those titled in the sole name of a decedent – to either their heirs or those named to inherit in their Last Will & Testament. Only those assets that are not jointly-held or do not have a designation of beneficiary are part of the probate estate.

The existing probate fees have not changed in any way in over 30 years. For probate estates worth less than five million dollars, the current probate fees range from \$2 to \$2500. The primary focus of HB 766 is to address the fees for small estates valued up to \$50,000. Under current law, the fees for those estates range from \$2 to \$150. They generate very little revenue, representing less than 1% of the revenue brought in by the 24 Registers of Wills collectively statewide. However, these probate fees can amount to a lot of money for the families living in poverty who have just lost a loved one.

HB 766 remedies the current regressive fee schedule and adjusts the probate fees for inflation after decades without change, by eliminating small estate fees and making a slight adjustment to the other probate estate fees to offset this. Note for any probate estate (only non-titled assets or those not held jointly or with beneficiaries) valued at

under 500,000, the fee will either be eliminated, reduced, or there will be no change. The chart below lays out the changes being proposed in this bill.

If the Value of the Probate Estate is At Least	But Less Than	Current Fee	Proposed Fee
*****	\$10,000	\$50	\$0
\$10,000	\$20,000	\$100	
\$20,000	\$50,000	\$150	
\$50,000	\$75,000	\$200	\$100
\$75,000	\$100,000	\$300	\$150
\$100,000	\$250,000	\$400	\$200
\$250,000	\$500,000	\$500	no change
\$500,000	\$750,000	\$750	\$1,000
\$750,000	\$1,000,000	\$1,000	\$1,500
\$1,000,000	\$2,000,000	\$1,500	.2% of the value of the estate
\$2,000,000	\$5,000,000	\$2,500	
\$5,000,000	*****	\$2,500 plus .02% of excess over \$5,000,000	

HB 766 stems from recommendations made by the Attorney General's COVID-19 Access to Justice Task Force, which was charged with developing strategies and solutions addressing the significant civil legal challenges facing Marylanders in the wake of COVID-19, and to specifically examine the pandemic's "impact on Marylanders and to make recommendations on how to deploy the legal system to ensure the State's most vulnerable remain housed, fed, safe, secure, employed, healthy, and connected to civil justice." Eliminating the small estate fees was one of the specific recommendations made in the report.

HB 766 improves access to justice in the area of probate, promotes basic fairness in the fees the public is charged, and enhances efficiency in the probate process.

I respectfully urge a favorable report.