



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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March 28, 2022

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Mark H. Weisner, Esq.
Office of the Attorney General

Re: HB0187 – Estates and Trusts – Administration of Estates – Fees – **Letter of Support**

The Office of the Attorney General urges the Judiciary Committee to favorably report House Bill 187. Delegate Terrasa's legislation provides that a Register of Wills is not required to record or provide certain documents until the appropriate fee for the documents has been paid; requires a Register of Wills to collect and assess probate fees at a certain time; lowers or eliminates probate fees on estates that are valued at less than \$500,000; raises probate fees on estates that are valued at greater than \$500,000; and alters the fees to be charged for other services provided by a Register of Wills and the Orphans' Court. Like a number of other bills introduced this session, House Bill 187 accomplishes one recommendation of our COVID-19 Access to Justice Task Force.¹

This legislation specifically benefits financially disadvantaged Marylanders in the following ways:

1. Eliminates the probate fee in estates valued at less than \$50,000 (\$100,000 when the surviving spouse is the sole beneficiary);
2. Lowers the probate fee on other smaller estates valued at less than \$500,000; and
3. Maintains the fee exemption for estates where the real property of the decedent is transferred to an heir who resides on the property, the property is subject to a property tax lien and the heir is unable to pay the fee due to poverty.

Additionally, this legislation is intended to be revenue neutral for the State. The benefits afforded financially disadvantaged Marylanders will be recouped by raising the fees on the more

¹ MD. ATT'Y GEN. BRIAN E. FROSH'S COVID-19 ACCESS TO JUST. TASK FORCE, CONFRONTING THE COVID-19 ACCESS TO JUSTICE CRISIS 11 (Jan. 2021) ("Eliminate expenses on certain small estates, including probate fees."), available at https://www.marylandattorneygeneral.gov/A2JC%20Documents/AG_Covid_A2J_TF_Report.pdf.

affluent. Probate fees are increased on estates valued at greater than \$500,000. Fees will also be increased in estates with issues in controversy that require the assistance of the Orphans' Court.

For all of the foregoing reasons, the Office of the Attorney General urges the Committee to favorably report House Bill 187.

cc: Judicial Proceedings Committee Members