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Legislative District 22
Prince George's County

Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 23, 2022

The Honorable Delegate Luke Clippinger
Chairman of the House Judiciary Committee
6 Bladen Street, Room 101
Annapolis, Maryland 21401

House Bill 802

Good afternoon, Chair Clippinger, Vice-Chair Moon, and members of the House Judiciary Committee. I am Delegate Nicole Williams of District 22, and I will be testifying today in favor of **House Bill 802**, also known as **Estates and Trusts - Claims Against an Estate - Statute of Limitations**. This legislation would alter the time frame in which someone can file a claim with the Register of Wills regarding an open estate.

As state law currently stands, when a person passes away and has property that must go through probate, the heirs of the estate must go to the county Register of Wills to start the process. When the estate is “opened” in this way, an individual is appointed as its personal representative. If a person has a claim against the decedent, they then can file it with the county Register of Wills within a set period of time.

This bill is based on estates and trusts law in the state of Virginia. It would make three major changes to current law in Maryland regarding the amount of time in which a person can take legal action. First, if an individual dies before legal action takes place or before the end of the statute of limitations period, then one may file a claim against the decedent’s estate within the statute of limitations period or within one year of the appointment of a personal representative. Second, if an individual dies before or while a case is in court, then the record may be amended to list the decedent’s estate as the defendant, so long as it is within the statute of limitations period or within two years of the appointment of a personal representative. Lastly, if an

individual dies before legal action is taken, then legal action may be taken against the estate instead, so long as it is within the statute of limitations period or within two years of the appointment of a personal representative.

You will hear later from the opponents of this bill regarding their concern about expanding the period from 6 months to one year. I have spoken with the opposition about their concerns and have reached out a number of times to see if there was a way to address them, such as amending the bill to provide a process for the personal representative to file to process the estate and shield the personal representative from liability such as in the case in Virginia or starting the 6 month period from the date the estate is opened, but the opponents did not wish to make concessions. However, I still stand ready to have a conversation and I am open to suggestions that will work for all of the parties that you will hear from today.

For these reasons, I urge this committee to give a favorable report on House Bill 802.

Sincerely,

A handwritten signature in cursive script that reads "Nicole A. Williams, Esq." The signature is written in black ink and is positioned below the word "Sincerely,".

Delegate Nicole A. Williams, Esq.