



**BYRON E. MACFARLANE**  
**REGISTER OF WILLS FOR HOWARD COUNTY**  
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ELLCOTT CITY, MARYLAND 21043

February 16, 2023

The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**RE: SB351 – Maryland Legal Services Corporation – Affordable Life, Wills, and Estate Planning for Seniors Program – FAVORABLE**

Dear Chairman Smith and Members of the Committee,

My name is Byron Macfarlane, I am the Register of Wills for Howard County, and I write to respectfully request a favorable report for Senate Bill 351.

When I speak with members of the public, as well as with family and friends, I'm often asked questions like "Do I need a will?", "Should I get a trust?", and "What's the difference between a will and a power of attorney?" and "What's the difference between a will and a living will?" These are all good questions. I always say *everyone* should have a Last Will and Testament and that *some* people will benefit from having an Inter Vivos Trust, which is a trust established during your lifetime. I also say that everyone should have a Power of Attorney and an Advance Directive in the event they become incapacitated and require someone to make financial and medical decisions for them.

However, in addition to the emotional hurdles each of us has to overcome to confront, discuss, and plan for our potential incapacity and the inevitable end of our natural lives, many Marylanders face a financial hurdle as well. While many of our residents have the means to engage an attorney to develop an estate plan, and many others qualify for *pro bono* legal services, there is a sizable population who don't have the disposable income to pay for legal services out of pocket yet earn too much to be eligible for assistance at no cost. This legislation would ensure that at least some of those Marylanders will get the help they need and can have the peace of mind to know that their wishes at the end of their lives will be honored. Importantly, this planning would provide a valuable roadmap for their families: who will help pay the bills, who will make medical decisions, who will manage the estate, and who will inherit the assets they leave behind. It may even enable some families to avoid the probate process altogether.

In my experience as Register, I can say the probate process is generally easier when the decedent died with a Last Will and Testament. We also see that our estates that are most likely to be opened without a will are estates for individuals at the lower end of the economic ladder. This means it is our residents of lesser means who are more likely to go through probate and more likely to go through probate without the critically valuable guidance of a Last Will and Testament. Again, this legislation would help address this by giving more Marylanders access to affordable estate planning services.

I appreciate the opportunity to present testimony to this Committee and I respectfully recommend a favorable report to Senate Bill 351.

Sincerely,

A handwritten signature in blue ink that reads "Byron E. Macfarlane". The signature is written in a cursive style with a long horizontal flourish at the end.

Byron E. Macfarlane  
Register of Wills