

CHRIS WEST
Legislative District 42
Baltimore and Carroll Counties

Judicial Proceedings Committee



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 322
Annapolis, Maryland 21401
410-841-3648 · 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 23rd, 2024
The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 164: *Estates and Trusts - Interested Person - Definition*

Dear Chairman Smith and Members of the Committee,

Section 1-101(j) of the Maryland Estates and Trusts Article, contains the definition of the term "*Interested Person*", which is used throughout the Estates and Trusts Article.

Senate Bill 164 is an initiative of the Estates and Trusts Section of the Maryland State Bar Association. The purpose of this bill is to clean up and clarify the definition of the term "*Interested Person*".

Currently, included in the definition of "*Interested Person*" is a legatee who has not been fully paid. Senate Bill 164 clarifies that all legatees of the estate qualify as "*Interested Persons*" unless their interest in the estate has been fully paid or fully adeemed. An ademption is estates and trusts lingo meaning the receipt of property bequeathed to the legatee, as distinct from money bequeathed to the legatee.

Senate Bill 164 also states for the first time that the term "*Interested Person*" also includes a surviving spouse of the decedent who has timely filed an election to take an elective share of the estate, but makes clear that such a surviving spouse ceases to be an "*Interested Person*" if the election is withdrawn or ruled ineffective by a court.

Senate Bill 164 also states for the first time that the term "*Interested Person*" also includes a person who timely files a caveat petition challenging the will of the decedent but makes clear that such a person ceases to be an "*Interested Person*" once the caveat proceeding has been disposed of.

Finally, Senate Bill 164 adds a statutory clause stating that the term "*Interested Person*" does not include an assignee of a legatee or heir.

I am pleased that Roland Schrebler from the Estates and Trusts Section is with me today to further explain the need for this bill and to assist in answering your questions about the bill.

I appreciate the Committee's consideration of Senate Bill 164 and will be happy to answer any questions the Committee may have.