

**Macfarlane - HB1258 - Favorable - JPR.pdf**

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Position: FAV



**BYRON E. MACFARLANE**  
**REGISTER OF WILLS FOR HOWARD COUNTY**

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BMACFARLANE@REGISTERS.MARYLAND.GOV • 410.313.2133

March 21, 2024

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

**RE: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice**

Dear Chair Smith and Members of the Judicial Proceedings Committee,

My name is Byron Macfarlane, I am the Register of Wills for Howard County, and I serve as Chair of the Legislative Committee of the Maryland Register of Wills Association. On behalf of our entire Association, **I respectfully urge a favorable committee report on House Bill 1258.**

In addition to my written testimony, you will find enclosed letters of support from the Registers of Wills for Allegany, Cecil, Garrett, Harford, Washington, and Wicomico Counties, and a summary from the Register for Carroll County of serious problems with existing law.<sup>1</sup>

**LEGISLATIVE HISTORY**

This legislation was heard by the House of Delegates Judiciary Committee on February 28, 2024. The bill sponsor, Delegate Embry, several Registers of Wills, and a representative of the Estates & Trusts Section Council of the Maryland Bar Association spoke in support. There was no opposition. The Judiciary Committee voted unanimously for a favorable report on March 8, 2024. It was unanimously passed by the House on March 14, 2024. **To date, no interest group, no member of the public, and no member of the House of Delegates has expressed opposition to this bill.**

**OVERVIEW OF HOUSE BILL 1258**

This bill would discontinue the costly, time-consuming, logistically problematic, and superfluous publication of estate notices in print newspapers. It would replace this antiquated requirement with a centralized, online statewide database for all estate notices to be maintained by

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<sup>1</sup> Attachments 1, 2, 3, 4, 5, 6, and 7.

the Registers of Wills and made available for free. **This will save over 10,000 Maryland families over \$1.7 million per year in publication costs.**<sup>2</sup> In anticipation of pursuing this legislation, the Registers have already established this online database. It is up and running and was created within our existing IT contract at no additional cost to the public.<sup>3</sup> It launched in March of 2020, has approximately 9,000 hits per month – with nearly 240,000 unique hits since its inception – and if you conduct a Google search for “Maryland estate notices,” our website is the top search result.<sup>4</sup>

#### **A. NOTICE ALREADY PROVIDED DIRECTLY TO INTERESTED PERSONS**

We want to ensure that all interested persons in estates are both notified of the opening of those estates and advised of their rights. This is already achieved by the Registers of Wills mailing notices directly to those parties, which includes legatees – those named to inherit in a Last Will and Testament – and heirs – those who would inherit if there were no Will.<sup>5</sup> This process successfully provides notice to virtually all interested persons, with rare exceptions.

#### **B. ESTATE NOTICES HAVE A SPECIFIC AUDIENCE NOT BEING REACHED**

In addition to notices mailed directly to the interested persons, the law has also required that notices be printed in a newspaper of general circulation. The purpose of these notices is not to notify the general public, however. Its specific goal is to attempt to reach anyone who is a bona fide interested person in an estate but did not receive a mailed notice. We know from speaking with creditors that they look at our website to identify deceased debtors. We also know from experience that when interested persons did not receive a mailed notice, it is almost always by mistake, and they still learn of the estate opening by word of mouth from family and friends, not by reading the legal notices section of their local paper. In these cases, the Registers add those individuals to our case management system and send them the notices they were entitled to, easily remedying any omission.

#### **C. FAMILIES RELIANT ON INCREASING FEES TO OUT-OF-STATE CORPORATIONS; REGISTERS FORCED TO PLAY ROLE OF COLLECTION AGENT AND PROOFREADER**

This antiquated requirement has left the State of Maryland at the mercy of an unpredictably changing print newspaper industry. In recent years, local newspapers have either been shuttered or consolidated by out-of-state corporate conglomerates.<sup>6</sup> Maryland families going through probate and the Registers assisting them may only have one local newspaper to use for publication of notice, and the industry cannot guarantee they will continue to operate newspapers of general circulation in all of Maryland’s 24 jurisdictions in perpetuity. Additionally, the legal duty to publish notices in probate lies with the Registers, not the newspaper industry, and if any individual publication or all of Maryland’s publications decide to stop offering this service, it would be impossible for us to fulfill our duty. Again, the unpredictable future of this industry puts the Registers, meaning the State, in an unsustainably precarious position with no long-term assurances.

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<sup>2</sup> Attachment 8: Estimated Publication Costs by Jurisdiction for FY2023.

<sup>3</sup> Attachment 9: Screenshot of “Legal Notices” section of the Registers of Wills website.

<sup>4</sup> Attachment 10: Screenshot of Google search of “Maryland estate notices”.

<sup>5</sup> Attachment 11: “Notice to Interested Persons” and “Notice of Appointment, Notice to Creditors, Notice to Unknown Heirs.”

<sup>6</sup> Attachment 12: Breakdown of Maryland Publications’ Parent Corporations Showing 22 of 24 Jurisdictions Rely on Newspapers owned by Out-of-State Interests

Also, since many of these newspapers have no competition, they can charge unreasonably high fees. In Frederick County, for example, there is only one local paper, which has raised its rates twice in the past year. It charges \$343.20 for a regular estate notice, the highest in the state.

Further, many of these newspapers will only publish notices if the Register facilitates the payment of their fees. This puts the Registers, as fiduciaries and state officials, in the position of collecting payments for private corporations. While this practice is both inappropriate and untenable, we have no choice but to comply with the whims of these businesses because we have a statutory obligation to ensure these notices are published.

#### **D. REBUTTING POTENTIAL INDUSTRY OPPOSITION**

While the print newspaper industry did not offer any testimony against this bill in the House of Delegates, representatives of the publishing industry have consistently opposed efforts in the Maryland General Assembly to move on from legal notice requirements in printed newspapers that pre-date the advent of the personal computer, the internet, and the smartphone.

We've heard arguments that legal notices *must* be published in print newspapers by independent bodies, and that without print newspapers, there is no way to properly archive proof that notice has been given. What we haven't heard is *why* independent publication is so imperative, nor how collecting piles of newspapers is a suitable method for archiving legal notices.

As previously mentioned, the publishing industry has no legal duty to publish estate notices. It is a *choice* based on unpredictable businesses that could decide to close local papers or cease to offer to publish legal notices at any time, to which the Registers and the public would have no recourse. Under our legislation, alternatively, we create an affirmative statutory duty that the Registers maintain and operate a centralized online database of all estate notices. Unlike current law, this bill ensures that this database will be available to the public for free, forever. Since we have already created this database and it has been up and running for four years, there's no question whether we can deliver this service. And in terms of archiving proof of notice, this database stores these legal notices in perpetuity and as required by law, the Registers must make copies of estate notices part of the public record in each estate that requires a notice be given. In contrast, just as the publishing industry has no legal duty to publish estate notices, it also has no duty to archive proof of notice, nor does it have a duty to make those archival records available to the public.

Lastly, while the publishing industry has established their own centralized database, presumably in anticipation of this legislation, it does not change these facts: the industry has no legal duty to provide this information to the public, it still creates a financial burden on grieving families for no discernable purpose, these notices are still chronically error-prone, and corrections lead to delays that prejudice Maryland families and have a deleterious impact on judicial economy.

#### **E. SUMMARY IN SUPPORT OF A FAVORABLE COMMITTEE REPORT**

While myriad legal notices have been printed in newspapers since time immemorial – before the advent of the personal computer, the internet, and the smartphone – the reality is this: print newspaper estate notices do not serve their defined purpose, they are an unnecessary financial burden on grieving families – to the tune of \$1.7 million per year – and they impose an untenable burden on the State and the public. We can untether ourselves from the whims of out-of-state monopolistic media corporations, move our method of notice into the modern era with our centralized statewide notice website, continue to protect the due process rights of interested persons, and make the probate process less expensive and more efficient for our constituents.

The Registers of Wills enthusiastically endorse this measure and respectfully request a favorable report on House Bill 1258.

Sincerely,

A handwritten signature in blue ink, reading "Bryan E. Macfarlan". The signature is written in a cursive style with a long horizontal flourish at the end.



**STATE OF MARYLAND**  
**REGISTER OF WILLS FOR ALLEGANY COUNTY, MARYLAND**

**MARY BETH PIROLOZZI**  
**REGISTER OF WILLS**  
[www.registers.maryland.gov](http://www.registers.maryland.gov)

**59 PROSPECT SQUARE**  
**1st FLOOR**  
**CUMBERLAND, MARYLAND 21502**

**TELEPHONE**  
**(301) 724-3760**  
**FAX (301) 724-1249**

February 26, 2024

The Honorable Luke Clippinger, Chair  
 Judiciary Committee  
 House Office Building, Room 101  
 Annapolis, MD 21401

**RE: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice**

Dear Mr. Chairman and Members of the Judiciary Committee,

I write in support of House Bill 1258 and ask for a favorable committee report on this important legislation. As Register of Wills for Allegany County:

- I know the readership and circulation of the Cumberland Times has diminished dramatically and that the unknown heirs are not being reached through the newspaper. **Heirs will find out about an estate through word of mouth from relatives or friends, and the creditors will use our website.**
- We are the collection agency for these newspapers whose ownerships are out of the state of Maryland, in our case Johnstown, PA and our citizens are paying lots of money for these notices, money that doesn't even stay local. Errors occur frequently, we have had customers who have waited months for a refund, or if they didn't pay directly in person, they have been inconvenienced by having to pay again because no one could find their payment at the newspaper. And the stories go on and on.
- Routinely, notices need to be republished because of errors in the notices.
- **Interested persons will continue to get a notice mailed directly to them** by the Registers, preserving their due process rights.

Thank you for your time and attention. I respectfully urge a favorable report on House Bill 1258.

Sincerely,

Mary Beth Pirolozzi  
 Register of Wills



The Office of Register of Wills for Cecil County

Cecil County Circuit Courthouse  
129 E. Main Street, Suite 102  
Elkton, Maryland 21921

Allyn Nickle  
Register of Wills

(410) 996-5330  
FAX (410) 996-1039  
Toll Free within MD 888-398-0301

March 18, 2024

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

**RE: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice**

Dear Mr. Chair and Members of the Judicial Proceedings Committee,

As Register of Wills for Cecil County I write in support of House Bill 1258 and ask for a favorable committee report on this important legislation. Please note:

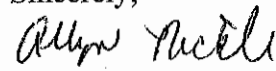
- No one testified against this Bill in the House of Delegates; the Judiciary Committee and the full House passed it unanimously
- Will save Marylanders nearly \$1.7 million in publication fees
- Newspaper circulation is declining. These notices are no longer useful because the intended audience – unknown or unlocated heirs and unknown creditors – are not being reached
- Unknown or unlocated heirs find out about estates by social media and/or word of mouth and creditors use our website
  - Online database has been up and running since March 2020, with up to 40,000 views per month, and a total of almost 240,000 unique visits since its inception
  - When you Google “Maryland estate notices,” our website is the first search result, so it couldn’t be easier to find
- Will relieve the back and forth with the sole newspaper of general circulation in Cecil County, namely APG Media of Chesapeake, with their Legal Department located in Easton, when they make routine errors in their notices and necessitating republication
- APG Media requires petitioners to advance funds for publication. With the office in Easton, payment by mailed check will delay the administration, therefore a debit or credit card is the most expeditious method of payment. However, in many cases, assets are not available for a petitioner to advance funds to open an estate and liquid assets may not be available in an estate to reimburse petitioners until assets are sold;
- Interested persons will continue to get a notice mailed directly to them by the Registers, preserving their due process rights

The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee  
March 18, 2024  
Page Two

Finally, I hope the Committee will consider that this legislation passed the House of Delegates' Judiciary Committee and full House unanimously, and that no member of the public testified against it.

Thank you for your time and attention. I respectfully urge a favorable report on House Bill 1258.

Sincerely,



Allyn Nickle



## CECIL COUNTY

### **Publication: Cecil Whig**

#### **General Problems:**

- The Cecil Whig requires advance payment.
  - The Whig's office is 68 miles from the courthouse.
  - They have limited hours, now just 10:00am-3:00pm.
  - It is not always easy for a family member to speak to someone to pay by credit card.
  - The advance payment is a hardship for some constituents who also have to advance funds for a nominal bond in order to be appointed Personal Representative.
  - Our office expends \$246.48 per year for a subscription to the Whig just to proofread their legal notices.
- Because the Register's staff has to proofread notices, due to routine errors, this consumes valuable time that could be spent assisting members of the public visiting the office or calling with questions.
- Because of the routine errors, republication extends the time for creditors to file claims against estates and delays the closing of those estates.

#### **Specific Issues with Deficient Notices Published (Nov. 2022 - Jan. 2024):**

- **November 30, 2022** – Email to the Whig for estate 24542. The decedent's name was published incorrectly.
- **December 29, 2022** – Email to the Whig for estate 24593. The zip code was listed incorrectly in the publication.
- **January 20, 2023** – Email to the Whig for estate 24640. The decedent died without a Will, but the publication listed they had a Will.
- **February 8, 2023** – Email to the Whig for 3 different estates. Estate 24722 the PR's name is spelled incorrect. Estate 24594 the decedent's last name was spelled incorrect. Estate 24554 the wrong estate number listed.
- **February 15, 2023** – Email to the Whig for two separate mistakes. For estate 24705 the estate number was listed incorrectly. Estate 24606 the date of death was listed incorrectly.
- **February 22, 2023** – Email to the Whig for Estate 23055. The wrong estate number was listed.
- **March 1, 2023** – Email to the Whig for estate 24393. The AKA middle name was spelled incorrectly.
- **March 15, 2023** – Email to the Whig for Estate 24773. The wrong estate number was listed.
- **March 23, 2023** – Email to the Whig for two separate estates. Estate 24790, the wrong estate number was published along with estate 24794.
- **March 30, 2023** – Email to the Whig for estate 24804. The surname was missing.
- **April 26, 2023** – Email to the Whig for two estates. Estate 24825 the date the PR was appointed is incorrect. Estate 24857, the last name was spelled incorrectly.

- **May 4, 2023** – Email to the Whig for Estate 24654. The date the decedent died was incorrect.
- **May 10, 2023** – Email to the Whig for three separate estates. Estate 24902 the publication dates at bottom are incorrect. Estate 24612 the publication dates are incorrect. Estate 24667 the city was spelled incorrectly.
- **May 17, 2023** – Email to the Whig for two separate estates. Estate 24667, the first name of the decedent was spelled incorrectly. Estate 24832, the personal representative street address was spelled incorrectly.
- **May 31, 2023** – Email to the Whig for Estate 24943. The surname was missing from the publication.
- **July 26, 2023** – Email to the Whig for two separate estates. Estate 25020 and 24753 the dates of publication are incorrect.
- **August 9, 2023** – Email to the Whig for Estate 25006. The date of publication was incorrect.
- **October 12, 2023** – Email to the Whig for Estate 24854. The decedent's name was incorrect.
- **November 1, 2023** – Email to the Whig on three separate estates. Estate 25144 the AKA was incorrect. Estate 25184 the name was incorrect. Estate 25063 no AKA was needed.
- **January 17, 2024** – Email to the Whig for Estate 25271. The day the PR was appointed was missing.
- **January 24, 2024** – Email to the Whig for Estate 25225. The codicil date was missing in the publication.

**RITA L. WATSON**

Register of Wills  
313 E. Alder Street, Room 103  
Oakland, Maryland 21550

February 21, 2024

The Honorable Luke Clippinger, Chair  
Judiciary Committee  
House Office Building, Room 101  
Annapolis, MD 21401

Re: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice

Dear Mr. Chairman and Members of the Judiciary Committee,

I am writing to ask for your support of House Bill 1258 and to ask for a favorable committee report on this important legislation.

As Register of Wills for Garrett County, I have assisted many families during the death of a loved one with the required publication of the Notice to Creditors, Notice of Appointment and Notice to Unknown Heirs in the local newspaper. This has been an extremely difficult challenge both for my office and for the families I serve. As I am required to publish in a newspaper in our local jurisdiction, I have only one choice. The newspaper's main office has moved out of state to West Virginia and has no local contact for questions, to collect payments or to drop off the necessary documents for publication. I must email the Notice to Clarksburg, WV; then have the proof emailed back to my staff for proofreading; make the necessary changes and return the proof for publication. This requires many hours of my time and my staff's time as the newspaper has nearly a 99% error rate. The newspaper then calls the families for payment of the publication by credit card before they publish the Notice. The families sometimes feel this is a spam call even though we have advised them someone from the paper will be calling. However, not knowing when the paper will call or when the family can pay the fee, results in my office not being able to print a first publication date on the Notice. This has caused many issues for both my office and the public.

The price of publication of the Notice is costly and now the newspaper is requiring families pay by ACH rather than credit card to prevent an additional 3% fee. I find that all creditors and interested persons do not read the newspapers. Many call our office to see if a member of the public is deceased and we direct them to our current website to check not only our website, but the website for all Maryland counties. We have received much positive feedback as to the convenience and ease of this feature.

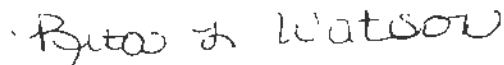
Phone: 301-334-1999 • Fax: 301-334-1984 • Toll-Free: 888-334-2203  
rwatson@registers.maryland.gov (e-mail)

In summary, I believe the following positive changes can be achieved by a favorable report on House Bill 1258.

1. Cost savings to the already grieving families and especially in my county, an expense that is often hard for these families to pay.
2. A central location where all creditors and members of the public can locate an estate Notice for a decedent dying in any county in Maryland if a person is unsure of their location.
3. Eliminate costly errors in the publication of the Notices that are made by the newspapers using a template and not making all corrections.
4. A tremendous savings of time of Register of Wills staff proofreading and editing the Notices before publication as the Notices would be directly uploaded by the Register of Wills Office.

Thank you for your time reading and considering my thoughts on this important Bill. It is my goal to serve the public to the best of my ability and I believe this Bill will be beneficial to my constituents and help better serve the interests of my county.

Sincerely,

A handwritten signature in cursive script that reads "Rita L. Watson".

Rita L. Watson  
Register of Wills  
Garrett County

Rebecca Raspe  
Chief Deputy

Ashley Suttell  
Assistant Chief Deputy

Kelly Denis  
ROW Admin II

Charlotte M. Smetana  
Deputy



Karen Novakoski  
Deputy

Stephanie A. Blades  
Deputy

Lucy B. Lutche  
Deputy

Carol Smith  
Deputy

*The Register of Wills for Harford County*

DEREK K. HOPKINS, REGISTER

18 Office Street, 1<sup>st</sup> Floor

Bel Air, Maryland 21014

410-638-3275 410-879-1940

Fax 410-893-3177

February 23, 2024

The Honorable Luke Clippinger, Chair  
Judiciary Committee  
House Office Building, Room 101  
Annapolis, MD 21401

**RE: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice**

Dear Mr. Chairman and Members of the Judiciary Committee,

I write in support of House Bill 1258 and ask for a favorable committee report on this important legislation.

As Register of Wills for Harford County, my office has encountered numerous issues with running the Notice to Creditors in our local paper (the Aegis). Back in June 2023, we were notified by Aegis that they were changing their billing practices. Due to a lack of payment from our attorneys and PR's (an issue they never told us about), they changed all accounts to cash accounts. They now require all new clients to pay before they run the Notice. This means they call each PR (who does not have an attorney who has an account in good standing with the Sun) and require credit card payments over the phone.

- This created so much confusion in the beginning. PRs were getting these calls from Aegis, and we were unaware (at that time) of their billing changes.
- PRs expressed their concern that this was a scam, where people were trying to steal their credit card information.
  - This billing practice may lead to scammers. If anyone knew how the Aegis collected their payment, all anyone must do is get these PR's phone numbers, say they are from the Aegis/Baltimore Sun, ask for payment, and have all the information needed to steal their credit card information.

- We expressed our concerns with the Baltimore Sun, but they were/are unwilling to change their policy.
- The attorney's accounts for the billing of Notice to Creditors were messed up for months.
- Some PRs outright refused to pay because they were uncomfortable giving their credit card information over the phone.

It currently takes Aegis around one month from when they receive the Notice to Creditors to run the first Notice in the newspaper.

- The length of time is majorly due to issues at the Aegis. It takes weeks for them to create accounts, create the ad, and collect payment from the PRs.
- At one time they were a month behind.
- Some of these delays are due to PR's refusing to pay.
- We currently have an eight-page report on estates where we are still waiting for Certificate of Publications.
- Their delays have because us to cancel Judicial Probate Hearings because Notice did not run.
- Their delays are causing estates to remain open for longer periods of time (for the creditor time for the State of MD Dept. of Health).

The new billing process has put our office in the middle of the PR's issues with the Aegis and the Aegis collecting payments.

- PRs are frustrated (which is warranted) it has been weeks without a phone call for payment.
  - That frustration is taken out on us.
  - We reach out to the Aegis routinely for status on Notices.
- The Aegis is reaching out to us with issues collecting payments.
- Our employees spend a lot of time dealing with these issues.

Thank you for your time and attention. I respectfully urge a favorable report on House Bill 1258.

Sincerely,



Derek Hopkins

## Register of Wills for Washington County, Maryland

Lacy M. Flook, Register of Wills  
100 W. Washington St., Ste. 3400  
Hagerstown, MD 21740

Telephone: 301-739-3612  
Fax: 301-733-8636  
MD Only: 1-888-739-0013

March 18, 2024

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

**RE: House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice**

Dear Mr. Chair and Members of the Judicial Proceedings Committee,

I write in support of House Bill 1258 and ask for a favorable committee report on this important legislation.

As Register of Wills for Washington County, I can testify first-hand that the publishers, which we have two (2) in our County, require our office to collect the fee (which our office is *not* supposed to do) required for publication and mail the fee and the copy of the Notice to their respective office, which is *not* located in our County. The publishers will not give us a specific date that they will publish the notice in the paper. If there is an error in the Notice, you must email one person about the correction, receive an email from someone else to proof the Notice and give them the approval, all which is done outside of our County. While our fees are not substantial as some County's, it is still an added expense to the Estate which could be avoided with the online publication proposed in the House Bill 1258. In most Estates, we know who the heirs are, and they receive a copy of the Notice mailed directly to them. Also, typically if an unknown person finds out that their relative has passed, they will contact the Register of Wills to see if an Estate has been opened.

Finally, I hope the Committee will consider that this legislation passed the House of Delegates' Judiciary Committee and full House unanimously, and that no member of the public testified against it.

Thank you for your time and attention. I respectfully urge a favorable report on House Bill 1258.

Sincerely,



Lacy M. Flook, Register



*Karen A. Lemon*

*Register of Wills for Wicomico County*

*Courthouse, P.O. Box 787  
Salisbury, Maryland 21803-0787*

*410-543-6635 • Fax 410-334-3440  
Toll free within Md. 1-888-786-0018*

*February 22, 2024*

*The Honorable Luke Clippinger, Chair  
Judiciary Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401*

*Re: House Bill 1258-Estates and Trusts-Estate Administration-Publication of  
Notice*

*Dear Mr. Chairman and members of the Judiciary Committee,*

*I write in support of House Bill 1258 and ask for a favorable committee  
report on this important legislation.*

*As Register of Wills for Wicomico County, we have encountered several  
problems with our local newspaper. For example, they want my office to collect  
the publication fee for them even though I explained to them that they would have  
to collect the money from the personal representative. Also, some Notices are  
not published in a timely manner which causes problems.*

*Thank you for your time and attention. I respectfully urge a favorable  
report on House Bill 1258.*

*Sincerely,*

A handwritten signature in blue ink that reads "Karen A. Lemon". The signature is fluid and cursive.

*Karen A. Lemon*

*Register of Wills for Wicomico County*



## ATTACHMENT 7

### CARROLL COUNTY

#### **Publications: Carroll County Times & Daily Record**

##### **General Problems:**

- The Carroll County Times (CCT) has implemented a new policy that notices must be paid for prior to publication.
  - This has created a significant problem. For instance, a notice was sent to CCT to be published on 12/26/23, but payment was not received prior to the expected publication date, so CCT did not publish the notice. The CCT contacted the attorney for the estate, was unable to reach them, but decided to grandfather him in so the notice could be published. It was finally published a week later, and the delay in publication will delay the closing of the creditor period and when the Account for the estate is due.
- The Register's office does not always receive copies of the CCT.
- The Register's office received the Daily Record (DR) late in the week, so the Register's staff has to check online to see if estate notices were published. The staff have experienced problems accessing notices to determine if they were published on time and if they were published correctly.

##### **Specific Issues with Deficient Notices Published**

- In just one 8-month period, the following deficient notices were published, which required the Register's staff to proofread the notices, call the publications, and arrange for correct notices to be published. Every one of these estates had the creditor period and accounting requirements delayed because the initial notice published was deficient.
  - 1/16/24 – Zip code wrong – DR
  - 12/5/23 – Wrong time for judicial hearing – DR
  - 11/14/23 – Incorrect party identified as caveator in judicial probate – DR
  - 10/31/23 – PR appointment date wrong – DR
  - 10/31/23 – PR name misspelled – CCT
  - 10/17/23 – Zip code wrong – DR
  - 10/17/23 – Zip code wrong, decedent's name and street address wrong – DR
  - 10/10/23 – Zip code wrong – DR
  - 9/26/23 – Decedent's name correct in header but wrong in body of notice – DR
  - 9/19/23 – Zip code wrong – DR
  - 8/29/23 – Attorney name misspelled – DR
  - 7/25/23 – Notice has "white" printed behind name of decedent in body of two notices, seemingly carried over from prior notices – DR
  - 7/18/23 – Could not access online edition to proofread notices – CCT
  - 7/11/23 – Did not receive copy of CCT and could not access online edition to proofread notices – CCT

- 7/4/23 – Did not publish on a holiday (CCT does) so published the following day – DR
- 6/27/23 – City name wrong – DR
- 6/20/23 – Zip code and date of death wrong – DR wrong
- 6/13/23 – PR name misspelled – DR
- 6/6/23 – PR name misspelled – DR

## ATTACHMENT 8

### Estimated Publication Costs by Jurisdiction in Maryland for FY2023.

Jurisdiction	Est. Cost
Allegany	\$33,665.86
Anne Arundel	\$252,188.00
Baltimore City	\$103,914.00
Baltimore	\$226,318.00
Calvert	\$8,325.00
Caroline	\$23,107.50
Carroll	\$105,714.00
Cecil	\$61,297.50
Charles	\$31,410.00
Dorchester	\$17,355.00
Frederick	\$172,590.00
Garrett	\$18,815.00
Harford	\$91,175.00
Howard	\$43,613.00
Kent	\$24,831.00
Montgomery	\$203,673.00
Prince George's	\$35,450.00
Queen Anne's	\$38,223.00
St. Mary's	\$21,300.00
Somerset	\$5,280.00
Talbot	\$47,410.30
Washington	\$26,945.00
Wicomico	\$22,939.00
Worcester	\$45,726.00
<b>STATEWIDE TOTAL</b>	<b>\$1,661,265.16</b>

## ATTACHMENT 9

### Screenshot of “Legal Notices” section of the Register of Wills website.

#### Description:

- Users can search notices by jurisdiction, date of publication, date of death of the decedent, the name of the decedent, or the name of the personal representative.
- Users can read the entire text of any published notice.
- Users can click the “Print” button to generate a print-friendly version of any notice.

#### Benefits of Online Legal Notices:

- ✓ Free of charge.
- ✓ Archived permanently.
- ✓ Auto-generated to eliminate errors.
- ✓ Changes may be made instantly.

The screenshot shows a web browser window with the URL [registers.maryland.gov/LegalNotice/Notices/NoticeSearch.aspx](https://registers.maryland.gov/LegalNotice/Notices/NoticeSearch.aspx). The page header includes the logo of the Office of the Register of Wills and the text "THE OFFICE OF THE REGISTER OF WILLS LEGAL NOTICES".

The main content area is titled "Search Public Notices" and contains a search form with the following fields and options:

- COUNTY:** A dropdown menu.
- PARTY TYPE:** Radio buttons for "Decedent" (selected) and "Personal Representative".
- DATE OF PUBLICATION:** Range (from-to) with input fields for "01/09/2024" and "02/08/2024".
- DATE OF DEATH:** (MM/DD/YYYY) with input fields for month, day, and year.
- Name Fields:** Input fields for "Last Name", "First Name", and "Middle Name".
- Buttons:** "Search", "Clear", and a menu icon.

Below the search form, it indicates "Viewing Page 1 of 95 (1893 RECORDS TOTAL)" and a "Sort By" dropdown menu set to "Publication: Latest to Earliest".

The first search result is for "Baltimore City" published on 02/08/2024. The notice text reads:

IN THE ORPHANS' COURT FOR (OR) BEFORE THE REGISTER OF WILLS FOR Baltimore City, MARYLAND  
IN THE ESTATE OF GENEVA TAJADA, Estate No. 206107

**NOTICE OF JUDICIAL PROBATE**

To all Persons Interested in the above estate: You are hereby notified that a petition has been filed by PARKER SIMON & KOKOLIS LLC for judicial probate of the will dated and for the appointment of a personal representative. A hearing will be held at 111 N. CALVERT STREET ROOM 303 BALTIMORE, MD 21202 on March 07, 2024 at 10:30 AM. This hearing may be transferred or postponed to a subsequent time. Further information may be obtained by reviewing the estate file in the office of the Register of Wills.

BELINDA K. CONAWAY, Register of Wills for Baltimore City  
111 N CALVERT STREET COURTHOUSE EAST BALTIMORE, MD 21202

A "Print" button is visible at the bottom right of the notice card.

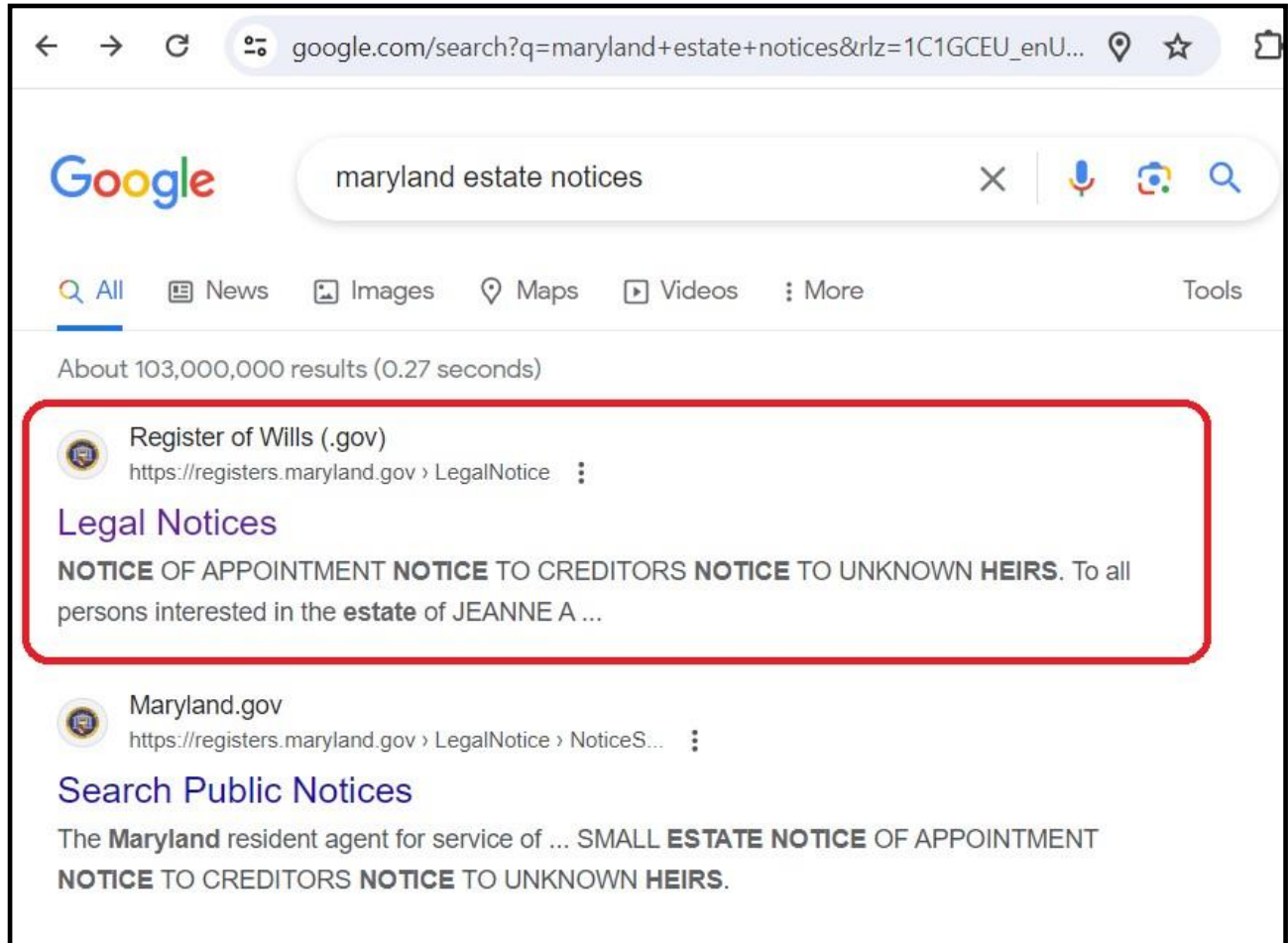
The second search result is for "St. Mary's County" published on 02/08/2024.

*Scan QR code to be directed to the Register of Wills Legal Notices Website:*



ATTACHMENT 10

Screenshot of Google search results for “Maryland estate notices” which shows the Register of Wills’ Notice website as the top search result.



## NOTICE TO INTERESTED PERSONS

In accordance with Maryland law, you are hereby given legal notice of the proceedings in a decedent's estate as more fully set forth in the enclosed copy of the newspaper publication or Notice of Appointment.

This notice is sent to all persons who might inherit if there is no will or who are persons designated to inherit under a will.

This notice does not necessarily mean that you will inherit under this estate.

Further information can be obtained by reviewing the estate file in this office or by contacting the personal representative or the attorney.

Any subsequent notices regarding this estate will be sent to you at the address to which this notice was sent. If you wish notice sent to a different address, you must notify me in writing.



---

BYRON E MACFARLANE  
Register of Wills

9250 JUDICIAL WAY SUITE 1100

---

Address

ELLICOTT CITY, MD 21043-

---

(FILE IN DUPLICATE)

JOHN ADAMS, ESQ.  
ADAMS & ADAMS, P.C.  
1000 MAIN STREET  
ELLCOTT CITY, MD 21043  
(name and address of attorney)

**NOTICE OF APPOINTMENT  
NOTICE TO CREDITORS  
NOTICE TO UNKNOWN HEIRS**

To all persons interested in the estate of

JOHN A. SMITH, SR.

ESTATE NO. 12345

Notice is given that: (name and address)

JOHN A. SMITH, JR.  
1234 MAIN STREET  
ELLCOTT CITY, MD 21043

was on FEBRUARY 28, 2024 appointed Personal Representative of the estate of JOHN A. SMITH, SR.  
(date)

who died on JANUARY 28, 2024 with a will.  
(date)

Further information can be obtained by reviewing the estate file in the office of the Register of Wills or by contacting the personal representative or the attorney.

All persons having any objection to the appointment (or to the probate of the decedent's will) shall file their objections with the Register of Wills on or before the 28TH day of AUGUST, 2024.  
(6 months from date of appointment)

Any person having a claim against the decedent must present the claim to the undersigned personal representative or file it with the Register of Wills with a copy to the undersigned on or before the earlier of the following dates:

- (1) Six months from the date of the decedent's death; or
- (2) Two months after the personal representative mails or otherwise delivers to the creditor a copy of this published notice or other written notice, notifying the creditor that the claim will be barred unless the creditor presents the claims within two months from the mailing or other delivery of the notice. A claim not presented or filed on or before that date, or any extension provided by law, is unenforceable thereafter. Claim forms may be obtained from the Register of Wills.

Name of newspaper designated by personal representative: The Daily Record

JOHN A. SMITH, JR.

Date of publication: MARCH 5, 2024

**True Test Copy**

Name and Address of Register of Wills for HOWARD COUNTY



BYRON E MACFARLANE  
9250 JUDICIAL WAY SUITE 1100  
ELLCOTT CITY, MD 21043-

## ATTACHMENT 12

### Breakdown of Maryland Publications' Parent Corporations Showing 22 of 24 Jurisdictions Rely on Newspapers owned by Out-of-State Interests

Jurisdiction	Publication	Parent Company	Headquarters
<b>Allegany</b>	Cumberland Times	Community Newspaper Holdings, Inc.	Alabama
<b>Anne Arundel</b>	The Capital, The Sun	The Sun: Alden Global Capital	New York
<b>Baltimore City</b>	Daily Record	Transom Capital Group	California
<b>Baltimore</b>	The Sun Jeffersonian, Daily Record	Transom Capital Group	California
<b>Calvert</b>	The Calvert Recorder	Adams Publishing Group	Minnesota
<b>Caroline</b>	Times-Record	Adams Publishing Group	Minnesota
<b>Carroll</b>	Carroll County Times	Alden Global Capital	New York
<b>Cecil</b>	Cecil Whig	Adams Publishing Group	Minnesota
<b>Charles</b>	Maryland Independent	Adams Publishing Group	Minnesota
<b>Dorchester</b>	The Banner	INI Holdings, Inc.	Delaware
<b>Frederick</b>	Frederick Post	Ogden Newspapers, Inc.	West Virginia
<b>Garrett</b>	The Republican	WV News	West Virginia
<b>Harford</b>	The Aegis	Alden Global Capital	New York
<b>Howard</b>	Daily Record	Transom Capital Group	California
<b>Kent</b>	Kent County News	Adams Publishing Group	Minnesota
<b>Montgomery</b>	Daily Record	Transom Capital Group	California
<b>Prince George's</b>	Prince George's Post	The New Prince George's Post	<i>Maryland</i>
<b>Queen Anne's</b>	The Rucker Observer	Adams Publishing Group	Minnesota
<b>St. Mary's</b>	The Enterprise	Adams Publishing Group	Minnesota
<b>Somerset</b>	County Times	INI Holdings, Inc.	Delaware
<b>Talbot</b>	The Star Democrat	Adams Publishing Group	Minnesota
<b>Washington</b>	The Herald Mail, The Hancock News	Herald Mail: Gannett Co. Inc.; Hancock News: The Morgan Messenger	Virginia; West Virginia
<b>Wicomico</b>	Daily Record	Transom Capital Group	California
<b>Worcester</b>	Maryland Coast Dispatch	Maryland Coast Dispatch: Maryland Coast Dispatch, Inc.	<i>Maryland</i>



# **HB1258 - MSBA Estate and Trust Section Council Wri**

Uploaded by: Laura Thomas

Position: FAV



**MSBA Main Office**  
520 West Fayette Street  
Baltimore, MD 21201  
410-685-7878 | msba.org

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401  
410-269-6464 | msba.org

**To:** Maryland Senate – Judicial Proceedings

**From:** MSBA Estate & Trust Law Section

**Date:** March 21, 2024

**Subject:** **HB1258** – Estates and Trusts – Estate Administration – Publication of Notice

**Position:** **Support**

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The Estate and Trust Law Section of the Maryland State Bar Association (MSBA) **supports House Bill 1258 – Estates and Trusts – Estate Administration – Publication of Notice.**

### **Description of Current Law**

Under current law, notice of various occurrences during the administration of a probate estate are required to be published in a newspaper of general circulation.<sup>1</sup> In all but a small number of probate estates in Maryland, the law requires publication of notice of the appointment of the Personal Representative (aka Executor).

A newspaper of general circulation is defined in Md. General Provisions Code Ann. § 1-113. In addition, the Court of Appeals has stated that, "...it is a term generally applied to a newspaper to which the general public will resort in order to be informed of the news and intelligence of the day....and thereby to render it probable that the notices or official advertising will be brought to the attention of the general public."<sup>2</sup>

### **Problems Addressed by this Legislation:**

There are three (3) problems with the current law that we believe are addressed by the proposed legislation.

The first problem, and typically the most important for those interested in an estate is the cost of the publication in a newspaper. The fee for publishing notice can cost in the

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<sup>1</sup> Specifically, there are four occurrences in which publication in a newspaper of general circulation is required: (1) Notice of judicial probate (Md. Estates and Trusts Code Ann. § 5-403); (2) Notice of appointment and description of real property owned by a non-resident decedent (Md. Estates and Trusts Code Ann. § 5-503); (3) Notice of appointment of Personal Representative (Md. Estates and Trusts Code Ann. § 7-103); and (4) Notice of hearing to determine distribution of a probate estate by the court (Md. Estates and Trusts Code Ann. § 9-112).

<sup>2</sup> *Van Gorder v. Board of Supervisors of Elections*, 229 Md. 437, 441 (1962)

hundreds of dollars. In addition, most counties only have one newspaper that qualifies as a newspaper of general circulation under Maryland law, which eliminates the competition amongst publishers for an estate's business and results in inflated pricing. For some estates, the cost of the publication, especially if the bill must be paid by the Personal Representative before he or she can access funds from the estate, can be prohibitive to even opening the estate.

The second problem is the decreasing reliance on newspapers by the general public. With each passing year, it becomes less likely that publication in a newspaper will "render it probable that the notices or official advertising will be brought to the attention of the general public." Many people rely on the internet to provide them with the information that newspapers provided in the past. In addition, the likelihood that a person interested in an estate subscribes to one of these newspapers is smaller each year.

The third problem is the lack of consistency amongst the Registers of Wills because of the requirements imposed on them by the newspapers. The newspapers in some jurisdictions require that the cost for the publication be submitted with the paperwork to open the estate, while those in other jurisdictions do not. This creates confusion among Personal Representatives and legal practitioners as to the requirements of each jurisdiction.

### **How this Legislation Solves these Problems:**

The proposed legislation solves each of the problems outlined above. Firstly, the Register of Wills offices will provide publication of notice at no charge to estates in Maryland. This eliminates the cost of the notice to all estates. Secondly, it moves the publications for all estates to one, central database that is easily findable through an internet search and one that is housed with all other pertinent information for an estate that an unknown heir or creditor may need. The change to a centralized database increases the likelihood that the notice will be brought to the attention of the general public. Lastly, it makes the estate notice process consistent across the state of Maryland.

**For the reasons stated above, the Estate and Trust Law Section of the MSBA supports House Bill 1258 and urges a favorable committee report. For further information, please contact:**

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