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To: Maryland House of Delegates – Judiciary Committee
From: MSBA Estate & Trust Law Section
Date: February 7, 2024
Subject: **HB 325** – Estates and Trusts – Interested Person – Definitions
Position: Support

The Estate and Trust Law Section of the Maryland State Bar Association (MSBA) supports House Bill 325 – Estates and Trusts – Interested Person – Definitions.

Description of Current Law:

Under current law, the statutory definition of an “interested person”, which in part determines who must and must not receive notice of various court filings in an estate and who can and cannot object to various aspects of the estate administration process, is incomplete and does not adequately cover individuals in certain situations, such as a person who is to receive specific property which the decedent no longer owns, a spouse electing to receive a spousal share of an estate, a person who files a challenge to a will (a “caveat” proceeding) and an assignee of a beneficiary of an estate.

Problems Addressed by this Legislation:

Currently, a person who is to receive specific property from an estate which the decedent no longer owned at death would continue to have receive notice of court filings and have the right to object to various aspects of the estate administration process, even though they have no economic interest in the estate. Similarly, neither a surviving spouse who is not otherwise named in the will of the decedent and who has filed an election to receive his or her spousal share of an estate, nor a person challenging the will of the decedent, is currently entitled to notice of certain court filings nor would they have the right to object to various aspects of the estate administration process. Further, it is currently unclear whether an assignee of an economic interest of a beneficiary of an estate is entitled to notice of court filings or has the right to object to various aspects of the estate administration process.

How the Legislation Solves the Problem:

House Bill 325 would make the following clarifications to § 1-101(j) to eliminate confusion and improve efficiency in the estate administration process:

1. A legatee whose interest has been fully adeemed ceases to be an interested person upon notice of the ademption.
2. A surviving spouse who files an election to take an elective share is an interested person until the election is withdrawn or ruled ineffective.
3. A person who timely files a petition to caveat a will is an interested person until the caveat proceeding ends.
4. An assignee of a legatee or an heir is not an interested person.

For the reasons stated above, the Estate and Trust Law Section of the MSBA **supports HB 325 and urges a favorable committee report. For further information, please contact:**

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