



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

9250 JUDICIAL WAY, SUITE 1100  
ELLCOTT CITY, MARYLAND 21043  
BMACFARLANE@REGISTERS.MARYLAND.GOV • 410.313.2133

March 26, 2025

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

**RE: HB623 – Estates and Trusts – Estate Administration – Publication of Notice  
FAVORABLE**

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee,

I write to you on behalf of the Maryland Register of Wills Association to express our strong support for House Bill 623. This bill will allow roughly half of probate estates in Maryland to publish notice of the opening of estates on the Registers' centralized website, thereby alleviating thousands of grieving families of the costs and delays associated with publishing notice in print newspapers. We respectfully request a **favorable report on House Bill 623**.

**OVERVIEW**

This bill will substantially reduce the costly, time-consuming, and superfluous publication of estate notices in print newspapers. It will replace this antiquated requirement with a centralized, online statewide database for roughly half of all estate notices to be maintained by the Registers of Wills and made available for free. This will save over 10,000 Maryland families over \$650,000 per year in publication costs.<sup>1</sup> This database is already up and running – and has been since March of 2020.<sup>2</sup> This website has nearly 12,000 hits per month, has had nearly 360,000 hits since its inception, and it is the top Google search result for “Maryland estate notices.”<sup>3</sup>

This bill was heard last session as House Bill 1258. There was no opposition in either chamber and it passed unanimously. It was vetoed by the Governor, who indicated a desire for more robust debate with the newspaper industry, who, unfortunately, did not participate in the process last year, leaving us here repeating this entire exercise. They have chosen to participate

---

<sup>1</sup> Attachment 1: Estimated Publication Costs by Jurisdiction for FY2025 and Under HB623.

<sup>2</sup> Attachment 2: Screenshot of “Legal Notices” section of the Registers of Wills website.

<sup>3</sup> Attachment 3: Screenshot of Google search of “Maryland estate notices”.

this time, and the Governor has indicated he will take no position on this bill, regardless of how it emerges from the General Assembly. Together with the bill sponsor and members of the Judiciary Committee, **we have worked in good faith to forge a reasonable compromise.** What you have before you essentially splits the difference between alleviating this costly burden on the public and the state and the economic consequences for the newspaper industry. Therefore, we again ask the General Assembly to pass this bill.

## **OVERVIEW – THE CASE FOR HOUSE BILL 623**

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

It is critical that all interested persons in an estate are both notified of the opening of the estate and advised of their rights. This notice is already provided by the Registers of Wills. A printed notice is mailed to all parties of an estate, which includes heirs and legatees – those who inherit if there is no will and those who inherit under a will, respectively – and unpaid creditors. This notice includes estate details including the name of the decedent, the name of the appointed Personal Representative, the date of the Last Will and Testament, if any, and the interested persons' rights to challenge the appointment, the probate of the will, and to file a claim against the estate.<sup>4</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 being mailed directly to interested parties, the law also requires 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 party 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 parties 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 them to our records and send the notices they were entitled to, easily remedying any omission.

We also cannot identify a single estate in which an interested party objected to the appointment of a personal representative, filed a claim against an estate, or challenged a will because they both (1) didn't receive a notice from the Register in the mail *and* (2) read about the opening of an estate by reading a notice in a newspaper. This further proves that the target audience for these notices isn't being reached, defeating a critical justification for continuing these notices.

### **C. FAMILIES AND REGISTERS RELIANT ON UNPREDICTABLE AND MONOPOLISTIC INDUSTRY**

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. 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.

---

<sup>4</sup> Attachment 4: "Notice of Appointment, Notice to Creditors, Notice to Unknown Heirs."

Additionally, the legal duty to publish 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.

Also, since many of these newspapers have no competition, they can charge unreasonably high fees. In Talbot County, for example, there is only one local paper, which charges \$306.90 for a regular estate notice, the highest in the state.

#### **D. MARYLAND STATE GOVERNMENT FORCED TO PLAY ROLE OF COLLECTION AGENT AND COPY EDITOR**

Not only are these notices unnecessary and expensive, but many newspapers in Maryland – as monopolies with a stranglehold over the Registers and families – will refuse to publish notices unless and until the Registers collect or facilitate the collection of fees for these notices for them.

It is wildly inappropriate for the Registers – meaning the Maryland State Government, funded by the taxpayers – to pay the role of collection agent for the private newspaper industry. But current law permits an industry-created hostage situation, where the Registers and the families we serve simply have no alternative but to comply with their demands. This is inappropriate, untenable, and relies on an unpredictable industry that could change those demands on a whim.

We must also scrutinize notice for accuracy and play the role of copy editor for the industry, too. While we know the information in our free online database is accurate, newspapers make chronic errors when they publish these notices. This means every day we check each jurisdiction's latest notices for the following: (1) names and address of the personal representative and any attorney, (2) name of the decedent, (3) estate number, (4) date of appointment, (5) date of death, (6) whether the decedent died with a will, (7) the date of the six-month deadline to file claims, and (8) the Register's name, jurisdiction, and address. When one or more of these items is missing or incorrect, the paper must re-print the notice. This all translates into a huge amount of staff time and resources just to make notices are printed correctly, but also an avoidable delay in the appointment of the personal representative and the closing of an estate.

It is an undue burden on the State to force us to play the roles of collection agent and copy editor for private entities. Unfortunately, this isn't just current practice, it's become an entitlement. Not only is our State completely at the mercy of industry to publish these notices, one industry representative has gone so far as to publicly deride the Registers for *not doing enough* to collect their fees for them. We wonder what new burdens will be placed on our government and the families we serve unless we change the status quo.

#### **E. COSTLY BURDEN AND LOGISTICAL PROBLEMS CONTINUE**

Some may ask whether anything has changed since the discussion of this measure last year. The simple answer is, not really. The administrative and logistical problems have not been resolved, and Maryland families are still left with the cost of publishing notices that are expensive and do not reach their intended audience.

Registers have attempted to work with some newspapers to adopt more reasonable rates and to address chronic errors in printed notices. Some have reduced rates, some remain

unreasonably high, and some have actually been raised. Some have attempted to address errors, but they persist. Many still require the Registers to facilitate collection of fees, in addition to their continued reliance on us to correct their mistakes.

## **F. REBUTTING ANTICIPATED INDUSTRY OPPOSITION**

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.

**Does “Independent” Publication Benefit the Public? No.** We’ve heard arguments that legal notices *must* be published in print newspapers by independent bodies. What we haven’t heard is *why* independent publication is so imperative. The Registers give newspapers the precise text to print – so what benefit, precisely, is there to the public? None that we can determine. Especially given that we can’t even rely on newspaper publications to print these notices correctly, we fail to understand this insistent entitlement to this public subsidy to industry. We also highlight what we all know to be true – that governmental bodies provide general public notice all of the time. From sales of surplus federal property to local zoning board hearings, our government provides notice routinely without whatever catastrophic results opponents of this measure seem to imply.

We also want to highlight the abuse of power that we witnessed last year by the supposedly “independent” press during the campaign to veto the prior iteration of this bill, 2024 House Bill 1258. Local papers across Maryland suppressed letters to the editor and guest columns in favor of the bill, promoted letters and columns that urged the governor to veto it, and after the veto, used those same column inches to claim victory and applaud the governor’s veto – and even lied about *why* he vetoed it. Governor Moore’s veto was not a full-throated defense of print legal notices for the rest of human history – but that’s how the “impartial” industry spun it for their own benefit.

**Do We Need Publications to Archive Notices? No.** We’ve also heard that without print newspapers, there is no way to archive estate notices. This is particularly nonsensical because, just as the newspaper industry has no legal duty to publish estate notices, they also have no legal duty to archive them. This means we have no guarantee that these private entities will archive notices at all, much less in perpetuity.

**Are Newspapers Required by Law to Publish or Archive? No.** The publishing industry has no legal duty to publish estate notices or archive them. 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 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 and eventually transmit them to Maryland State Archives. In contrast, just as the publishing industry has no legal duty to publish estate notices, it also has no duty to archive notices, much less make those records available to the public.

**Will This Legislation Doom the Publication Industry? No.** Not only has the industry never proven this claim, as explained previously, they've already taken a nearly 20% reduction in revenue – nearly half of which has been borne by smaller publications – and are still in print.

## **G. THE COMPROMISE PACKAGE BEFORE THE STATE SENATE**

Despite our strongly held beliefs in this exhaustive case for eliminating print publication of estate totals entirely, we understand that the House of Delegates preferred a version of this bill that would strike a balance between the competing interests.

The balance has been achieved by allowing estates in which the heirs-at-law are limited to a surviving spouse, registered domestic partner, lineal ancestors, and lineal descendants to satisfy this publication requirement using the Registers' website. If there are any more distant heirs, including siblings, nieces, nephews, or cousins, traditional print publication would still be required. The argument for this compromise is that a surviving spouse or surviving children or parents of a decedent should not be required to go through the time and expense of publishing notices to reach, in essence, themselves.

This compromise also requires the Registers to submit annual reports to the General Assembly to demonstrate whether and how many bona fide interested persons – individuals with an actual legal right to be included in the probate process – did not receive notice from one of our offices in the mail but did read about the opening of an estate through a notice printed in a physical newspaper. The Registers are capable and willing to provide this data, if these notices ever do reach their intended audience.

I note that one industry lobbyist has stated that this compromise is "unworkable." The Registers' offices work with the public every day to identify all heirs and legatees, determine if an estate is a small or regular estate, if a bond is required, and if so, in what amount, if publication is required, and what fee is required, if any. It will be very easy for us to implement this bill, especially when it will cut the time we spend copy editing for the newspapers in half.

## **H. 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, 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 623.

Sincerely,

A handwritten signature in blue ink, reading "Bryan E. Maffett".

# **SUPPORT A FAVORABLE REPORT FOR HB 623**

## **SUMMARY**

- **A REASONABLE COMPROMISE:**
  - Immediate family members – surviving spouses, children, and parents – will be alleviated of this costly burden.
- **PROTECTING DUE PROCESS:**
  - All interested persons will still receive a mailed notice from the Register of Wills.
  - Ensure that the due process rights of bona fide interested persons in probate estates are protected through (1) notices mailed directly to them and (2) a free, easy to locate centralized website of all estate notices maintained by the Registers.
- **ENDING NOTICES THAT DO NOT REACH THEIR INTENDED AUDIENCE:**
  - Estate notices, unlike other legal notices, have a specific audience: unknown heirs and unknown creditors, that are not being reached through print publication.
- **DISCONTINUING REDUNDANT, INEFFECTIVE, AND COSTLY SUBSIDY:**
  - Interested persons already receive notices in the mail.
  - Unknown heirs and unknown creditors do not read the legal notices section of print newspapers to determine if estates have been opened.
  - The print newspaper industry has become unpredictable and unreliable for publishing estate notices:
    - Some publication fees are rising.
    - We have fewer newspapers to choose from.
    - The industry cannot guarantee they will print publications of general circulation in every jurisdiction in Maryland in perpetuity.
    - The industry is increasingly being consolidated by out-of-state corporations with less and less competition.
    - Publications are increasingly demanding the public pay their fees out of pocket before they're able to access estate funds, an undue burden.
    - Publications are increasingly forcing the Registers of Wills to play the role of collections agents for their fees, an inappropriate burden on the State.
    - Publications are chronically error-prone, forcing the Registers of Wills to play the role of copy editors, another inappropriate burden on the State.
    - Chronic errors require notices to be re-published, delaying the closing of estates and prolonging the process for grieving families.
- **PROMOTING USE OF RELIABLE EASY-TO-FIND ONLINE NOTICES:**
  - The Registers of Wills have already established a centralized statewide database of all estate notices at no additional cost to the public.
  - This database is free.
  - It is the top Google search result for anyone looking for estate notices.
  - Notices are published free of errors.
  - Notices are archived permanently.
- **SAVING MARYLAND FAMILIES MONEY**
  - Save grieving families approximately \$1.3 million per year.
- **ENSURING PROPER USE OF PUBLIC RESOURCES:**
  - Alleviate the State of its precarious and unsustainable reliance on an unpredictable print newspaper industry to publish estate notices.

## ATTACHMENT 1

### Estimated Publication Costs by Jurisdiction in Maryland for FY2025 and After Implementing this Legislation

Jurisdiction	Est. Cost FY2025	Est. Cost Under HB623
Allegany	\$25,862.48	\$12,931.24
Anne Arundel	\$134,390.00	\$67,195.00
Baltimore City	\$137,655.00	\$68,827.50
Baltimore	\$220,015.00	\$110,007.50
Calvert	\$9,851.00	\$4,925.50
Caroline	\$24,615.50	\$12,307.75
Carroll	\$52,535.00	\$26,267.50
Cecil	\$50,160.00	\$25,080.00
Charles	\$30,995.00	\$15,497.50
Dorchester	\$16,380.00	\$8,190.00
Frederick	\$50,635.00	\$25,317.50
Garrett	\$14,732.50	\$7,366.25
Harford	\$68,680.00	\$34,340.00
Howard	\$55,420.00	\$27,710.00
Kent	\$23,909.00	\$11,954.50
Montgomery	\$183,555.00	\$91,777.50
Prince George's	\$66,080.00	\$33,040.00
Queen Anne's	\$34,902.00	\$17,451.00
St. Mary's	\$22,089.00	\$11,044.50
Somerset	\$7,858.56	\$3,929.28
Talbot	\$45,262.00	\$22,631.00
Washington	\$20,230.00	\$10,115.00
Wicomico	\$21,933.00	\$10,966.50
Worcester	\$44,268.00	\$22,134.00
<b>STATEWIDE TOTAL</b>	<b>\$1,368,362.04</b>	<b>\$684,181.02</b>

## ATTACHMENT 2

### 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.

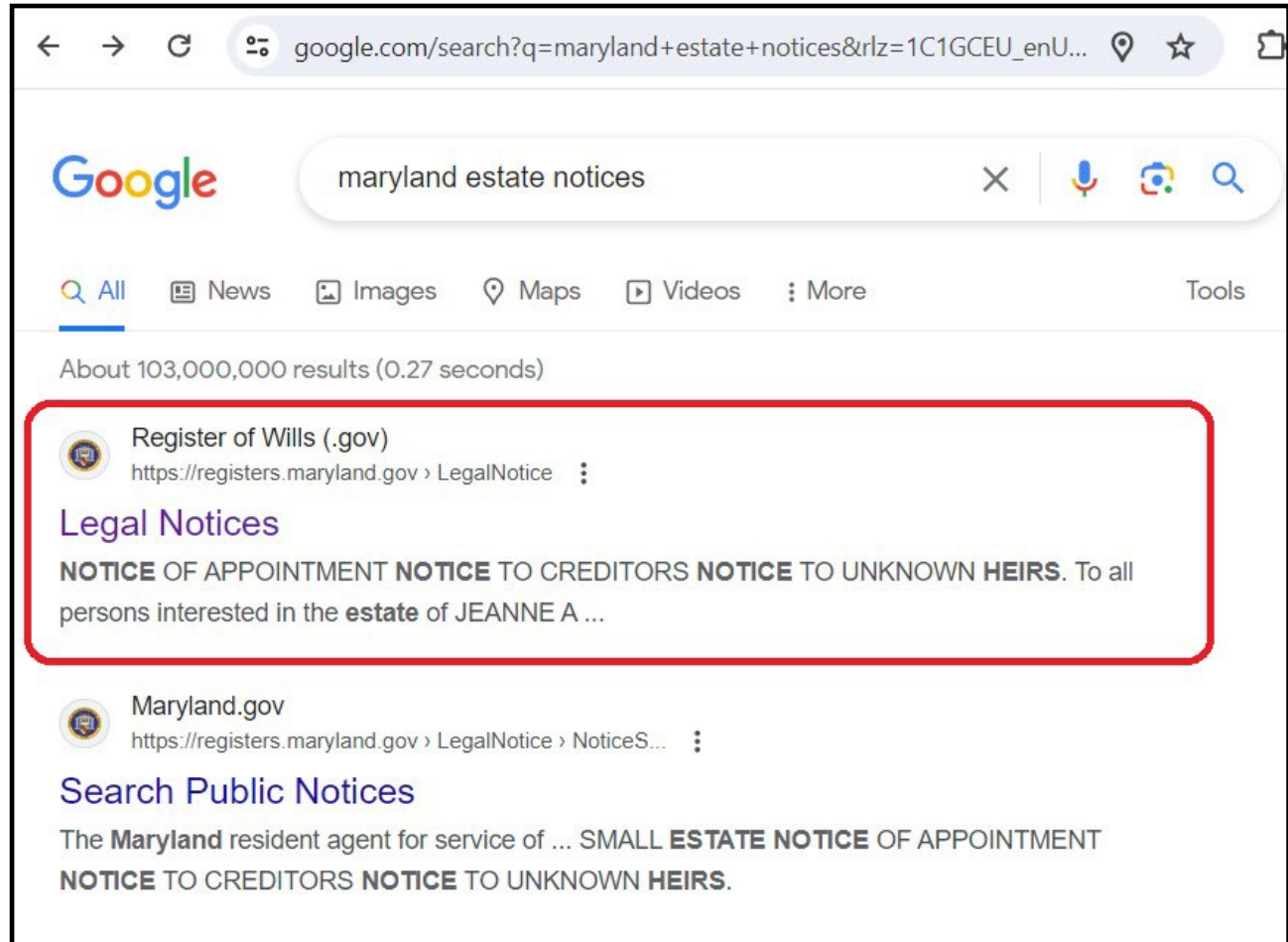
The screenshot shows the 'Legal Notices' section of the Register of Wills website. The header includes the Maryland state seal and the text 'THE OFFICE OF THE REGISTER OF WILLS' and 'LEGAL NOTICES'. Below the header is a 'Search Public Notices' section with a blue banner stating: 'Public notices published in the last 30 days will appear on the list by default. Use additional search filters below to narrow your results.' The search filters include: 'COUNTY' (a dropdown menu), 'PARTY TYPE' (radio buttons for 'Decedent' and 'Personal Representative'), 'DATE OF PUBLICATION' (Range (from-to): 01/09/2024 - 02/08/2024), 'DATE OF DEATH' (MM/DD/YYYY: / / ), and 'Last Name', 'First Name', and 'Middle Name' (text input fields). There are 'Search', 'Clear', and a menu icon button. Below the search filters, it says 'Viewing Page 1 of 95 (1893 RECORDS TOTAL)' and 'Sort By' (Publication: Latest to Earliest). The main content area displays a notice from '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'. There is a 'Print' button at the bottom right of the notice. Below the notice, it says 'St. Mary's County' and 'Published on 02/08/2024'.

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



### ATTACHMENT 3

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



ATTACHMENT 4

(FILE IN DUPLICATE)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(name and address of attorney)

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

To all persons interested in the estate of

\_\_\_\_\_  
ESTATE NO. \_\_\_\_\_

Notice is given that: (name and address)

was on \_\_\_\_\_ appointed Personal Representative of the estate of: \_\_\_\_\_  
(date)

who died on \_\_\_\_\_ (with) (without) a will. There (was) (wasn't) a prior small estate proceeding.  
(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 \_\_\_\_\_ day of \_\_\_\_\_,  
(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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date of publication: \_\_\_\_\_

\_\_\_\_\_

**True Test Copy**

Name and Address of Register of Wills for

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_