

Granny's Law -Testimony on Senate Bill 1029_B.Ogun

Uploaded by: Bunmi Ogungbe

Position: FAV

Written Testimony on Senate Bill 1029 (Granny's Law)

Senate Judiciary Proceedings

March 11, 2025

Submitted by:

Bunmi Ogungbe, PhD, MPH, RN

Assistant Professor

Johns Hopkins School of Nursing & Johns Hopkins School of Public Health

525 N. Wolfe St.

Baltimore, MD.

The Chair and distinguished members of the committee, thank you for the opportunity to submit a written testimony. My name is Dr. Bunmi Ogungbe, Assistant Professor at Johns Hopkins School of Nursing and Bloomberg School of Public Health. I also serve as faculty at the Johns Hopkins Center for Health Equity and the Welch Center for Prevention, Epidemiology, and Clinical Research.

The views expressed here are my own and do not necessarily reflect the policies or positions of Johns Hopkins University or the Johns Hopkins Health System.

I am here to express my strong support for Senate Bill 1029, also known as “Granny’s Law.” As a health equity researcher focused on addressing disparities in cardiovascular and kidney health outcomes, I can attest to the importance of this legislation.

This bill addresses a concerning and unjust gap in the current legal framework. When donors make bequests to health organizations with the intention of addressing health disparities—especially racial health disparities—**their intentions should be honored, not disregarded.** Unfortunately, the case that inspired this legislation demonstrates how easily donor intent can be undermined when not explicitly stated in testamentary language, even when the donor’s lifelong commitment to health equity is well-documented.

My research and that of my colleagues, and the literature consistently show that health disparities persist in Maryland despite our state’s policy commitment to addressing them. According to the Maryland Office of Minority Health and Health Disparities Report released in March 2024,¹ Black Marylanders are 50% more likely to die from heart disease compared to White Marylanders, and experience 2.3 times higher rates of diabetes-related mortality. The life expectancy gap between Maryland’s wealthiest and poorest areas is over 15 years. African American adults have 4 times the incidence of kidney failure (ESKD) compared to the general population, according to the Centers for Disease Control and Prevention’s (CDC) Chronic Kidney Disease in the United States, 2023 report.² When private citizens attempt to contribute to

¹ “Maryland Department of Health. Office of Minority Health and Health Disparities Annual Report FY 2023,” March 2024, <https://health.maryland.gov/mhhd/Documents/MHHD%20FY2023%20Annual%20Report.Final%20%281%29.pdf>.

² Centers for Disease Control and Prevention, “Chronic Kidney Disease in the United States, 2023” (Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention, 2023), <https://www.cdc.gov/kidneydisease/publications-resources/ckd-national-facts.html>.

alleviating these documented disparities through their charitable giving, we should honor and support these efforts rather than obstruct them.

In the case that prompted this legislation, a donor whose life reflected a commitment to addressing health disparities affecting African Americans—having witnessed these disparities firsthand through family losses to heart disease, Alzheimer's, cancer, and mental health conditions—made a bequest to health organizations. Despite clear evidence of the donor's intent and Maryland's established policy of working to eradicate health disparities, a judge disregarded these factors, allowing the organizations to use the funds without addressing the intended health equity goals.

This is not merely about one case. This precedent threatens to undermine similar bequests, contradicting Maryland's policy objectives and perpetuating the very disparities our state is committed to eliminating. **This disregard is an inequity in and of itself that granny's law seeks to address.** Senate Bill 1029 provides an opportunity, a framework that would allow personal representatives to present evidence of a decedent's intent when their will includes a legacy to a health organization. This approach respects donor autonomy.

The bill does not impose unreasonable burdens— rather, it simply creates a pathway to ensure that when someone has demonstrated a lifelong commitment to addressing health disparities, their final wishes in this regard will be honored. Furthermore, it allows for accountability to ensure funds are used as intended.

Maryland has declared the alleviation of health disparities a state priority. This legislation helps align private philanthropy with that priority. I urge you to support Senate Bill 1029 and affirm that in Maryland, we honor both our policy commitment to health equity and the final wishes of those who share that commitment.

Thank you for your time and consideration.

Bunmi Ogungbe, PhD, MPH, RN
Assistant Professor, Johns Hopkins University

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Thank you for your time and consideration.

Bunmi Ogungbe, PhD, MPH, RN
Assistant Professor, Johns Hopkins University

Testimony-for-SB1029.pdf

Uploaded by: Carrington Simms

Position: FAV

Testimony to SB1029 – Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Date: 6-Mar-25

From: Carrington T. Simms III

As I reviewed, SB1029 I find that this will be beneficial to the personal representative of a descendant of their will, which would allow for the representative to fulfill their legal obligation of the execution of the will in accordance with the deceased wishes. Although the will may have some subjectiveness to its execution, SB1029 would allow for the representative to execute the will in a manner that is keeping to the deceased wishes based on evidence of prior statements or documentation for which they may have either established a pattern or expressed among other witnesses of their purpose to support those beneficiaries documented in their Will.

I see the purpose of SB1029 to keep intact the deceased intent, as well as allow the representative some leeway to ensure the will's intent is executed in the manner supporting the deceased.

I support SB1029, as it may benefit me as well for when my remaining parent passes on, and I'm left with handling her affairs.

Thank you for reading this testimony.

Carrington T. Simms III

Fabius - Granny's Law Testimony.pdf

Uploaded by: Chanee Fabius

Position: FAV



Chanee D. Fabius, PhD, MA
1208 Cobb Road
Pikesville, MD 21208
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860-578-6711
March 7, 2025

Senate Judicial Proceedings

Re: SB1029 Estates and Trusts – Interpretation of Wills – Extrinsic Evidence of Intent (Granny's Law)

Dear Committee Members,

Good evening. Thank you for the opportunity to provide written testimony in support of Granny's Law, or SB1029. I am an Assistant Professor in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. I am a gerontologist and health services researcher with expertise in racial and socioeconomic disparities in long-term services and supports for older adults, their family caregivers, and the direct care workers that help them.

In 2021, there were about 760,000 family caregivers from diverse groups in Maryland whose unpaid care was valued at 12.5 billion dollars.¹ These estimates will likely increase as the older adult population diversifies and grows in size, a trend that has been well documented across the country as well as globally.²³ The proposed bill, Granny's Law, directly addresses disparities that impact caregivers from low-income backgrounds, women, and minoritized communities. I would like to highlight 4 points that are relevant to the proposed bill.

First, my own work has demonstrated that Black family caregivers often provide over 40 hours of care per week to older adults with significant needs and limited financial resources, and experience financial difficulties related to caregiving themselves.⁴

Second, caregivers from marginalized communities spend a higher percentage of their income on caregiving expenses.⁵

Third, many caregivers from minoritized groups have less inherited wealth to support caregiving costs, leading to increased financial instability.

Fourth, family caregivers from minoritized groups face legal barriers in managing their loved one's estate, particularly if they lack access to legal resources or face discrimination in legal systems.⁶

Family caregivers are the backbone of the long-term care and medical systems. Enabling them to have a recognized role in interpreting their loved one's wills empower them and ultimately reduce the disparities that they and others are impacted by.

Thank you for your time and consideration.

Sincerely,

Chanee D. Fabius

Chanee D. Fabius, PhD, MA

¹ <https://states.aarp.org/maryland/family-caregivers-in-maryland-provide-12-5-billion-in-unpaid-care-to-loved-ones>

² <https://aging.maryland.gov/SiteAssets/Pages/StatePlanonAging/MD%20State%20Plan%202022-2025.pdf>

³ <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf>

⁴ Fabius, C. D., Wolff, J. L., & Kasper, J. D. (2020). Race differences in characteristics and experiences of black and white caregivers of older Americans. *The Gerontologist*, 60(7), 1244-1253.

⁵ https://states.aarp.org/virginia/family-caregivers-spend-20-percent-annual-income-caregiving-expenses?utm_source=chatgpt.com

⁶ Roberts, D. E. (2015). Race, Care Work, and the Private Law of Inheritance. *Law.™.Social.Inquiry*, 60(2), 511-518.

SB1029 - zinner written testimony.pdf

Uploaded by: David Zinner

Position: FAV

In support of SB1029

My name is David Zinner. I'm very familiar with health care issues because I'm 74.

I have a will, but it was written 15 years ago. I should review it because it may not completely reflect my recent experience and my (hopefully) increase in knowledge.

Why is it that written wills do not always fully capture our intent?

Sometimes it is because the cost of drawing up, or even modifying, a will with a lawyer can be prohibitive. Sometimes, as in my case, wills are written long before a death and not updated.

In these and other cases, it is critical that the executor of the will should be able to clarify the deceased's intent without contradicting what is written. After all, if I trust my executor to fulfill my wishes, I should also trust them to know me, to know my work and my interests.

Where the issue of intent in a will becomes especially complex, is in the area of health care charities. Unfortunately, some charitable organizations in the health sector have shown a lack of understanding of the prevalence of health disparities.

Disparities do exist and studies show this is not an isolated issue. For example:

- An American Hospital Association 2024 study released a survey that showed that about half of U.S. health care workers have witnessed racial discrimination against patients.
- A 2025 Journal of American Medical Association (JAMA) article concluded that more socially vulnerable and racially and ethnically minoritized communities are receiving less community benefit spending by nonprofit hospitals
- A 2024 study on Diversity and Discrimination in Health Care suggests the need for better education of healthcare professionals on the impact of health disparities.

Nationally, health charities received \$38 billion in 2020 growing to \$51 billion in 2022. It is important that health related charities recognize health disparities, and use this tremendous amount of charitable support to prioritize addressing this critical issue.

And in the case of health-related bequests, the ability of the executor to ensure that donations fulfill the intent of the deceased is especially important.

Please support SB1029.

David Zinner

Maryland Cemetery Legislative Advocates, Coordinator

Jewish Association for Death Education (JADE), Chair

Ben Zakkai Institute, Staff

Preservation and Rehabilitation Initiative for Neglected Cemetery Entities (PRINCE), Coordinator

Maryland State Advisory Council on Cemetery Operations, Consumer Representative

Jewish Funeral Practices Committee of Greater Washington, Vice President

Columbia Jewish Congregation (CJC), Chevrah Kadisha Chair

Kavod v'Nichum & the Gamliel Institute, Founding and Past Executive Director

Sources cited:

<https://jamanetwork.com/journals/jama-health-forum/fullarticle/2830608>

<https://www.aha.org/news/headline/2024-02-15-survey-health-care-discrimination-problem-patients-workers-color>

<https://www.ncbi.nlm.nih.gov/books/NBK568721/>

<https://nonprofitssource.com/online-giving-statistics/>

SB1029_ FAV_ Irene Henderson.pdf

Uploaded by: Irene Henderson

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Support FAV

Irene Simms Henderson

Address: 2209 West Rogers Ave Baltimore, MD 21209

Email: irenecsh@hotmail.com Phone: 914 645 3020

March 7, 2025

Dear Judiciary Committee Chair, Vice Chair and Members,

My name is Irene Simms Henderson and I was married to my beloved husband Dr. Roland Henderson for 56 years and 4 months. He had cancer 3 times and the 4th time he got cancer unfortunately, he lost his battle. He was treated at Memorial Sloan Kettering for 21+ years. My grandfather was a cancer survivor but lost his battle and then my mother had cancer along with each of her 4 brothers all but one passed from cancer and the last sibling who survived cancer passed from a heart attack. My only sibling, my brother, has been living with cancer for well over 5 years. I too had cancer but thankfully it was a mild case.

When I hear about the startling statistics for African Americans and Cancer, I don't need to see the numbers, as I have unfortunately experienced this personally right in my own family.

Jennifer took excellent care of her grandmother in life and I think the testament that she is pursuing this legislation is clear evidence she is taking excellent care of her grandmother in death. There are very few people I trust to help me as I grow old, Jennifer is one of those people I trust and rely on as she is dependable, compassionate and a shrewd business woman.

I knew Jennifer's grandmother and I know what happened to her estate and to Jennifer is not anything that she would have ever wanted. The courts treatment of Jennifer was beyond disturbing. My mother was a Reverend and as many say "But God". I thank God for protecting and keeping Jennifer in spite of the horrid court system. I support Granny's Law SB1029 and I highly suggest the Judicial Proceedings Committee do the same.

Respectfully,

Irene Simms Henderson

SB1029_FAV_Jennifer Johnson_Testimony.pdf

Uploaded by: Jennifer Johnson

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Jennifer Johnson

Address: Shielded for privacy reasons Email address: jenniferelsiejohnson@hotmail.com

Phone number: 410-241-4331

Support FAV

March 7, 2025

Dear Judicial Proceedings Chair Senator Simth, Vice Chair Senator Waldstreicher and Committee Members,

Request Your Support:

My name is Jennifer Johnson and I ask for your full committee's favorable support for "Granny's Law" SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent.

What happened to me was a direct violation of my grandmother's written will and of my human rights.

No Fiscal Note:

I can tell from the fiscal note that similar legislation was introduced in prior years. I urge you to please break this negative cycle and make positive change in Maryland and pass SB1029, which has a zero-dollar impact on the state's budget.

SB1029 Granny's Law will CORRECT the following:

- Historical Wrongs of Health-related Charities not supporting Maryland State Policy of working to eradicate Health Disparities
- Historical wrongs of the Orphans Courts ignoring people's wills and essentially allowing lawyers to make large profits off of deceased people's estates.
- Historical wrongs of the Orphans court overriding the descendant's family's and trusted personal representatives
- Historical wrongs imposed on Caregivers. Caregivers are most often times the Power of Attorney and then the Personal Representative. Caregiver's rights and respect are often times ignored. This bill seeks to give the power and authority back to the person who has done most if not all of the work to help the decedent in life and in death.
- This bill will help honor my Granny (Jennifer Johnson) and anyone else's loved one whose will and/ or estate was or unfortunately is currently being grossly misinterpreted by the orphan courts in Maryland.

Why Case Law Can be very problematic and cause harm to women and minorities:

Opponents will reference case law; I think it is important to understand that many times case law was developed during periods in time where women and various ethnic minorities especially African Americans were not even viewed as humans but rather property. This is extremely problematic and hence not something to follow. Pass this legislation and make some positive new case law.

Horrible Situation, no one else should go through:

I have never been through anything so horrific in my entire life and Granny's Law seeks to make sure, this never happens to anyone else in our state ever again. To give you a very brief synopsis, my grandmother was leaving a large charitable donation to 4 major health related charities with the goal of positively impacting African American lives as we are disproportionately affected by health disparities. While all of these organizations document that African Americans are disproportionately affected by all of these disease states, instead of allowing me to be what I am God ordained to be, my grandmother's Personal Representative, a Baltimore county judge thought she knew better than me, knew better than my grandmother and forced me into jail when my best friend was dying of cancer and allowed 2 attorneys she preferred to bill a beyond excessive amount of money for work I completed. The judge's order forced me to give all of my grandmother's information and all the work I completed to bring the estate almost to a close to these lawyers or I could not get out of the jail.

Judge Juliet Fisher of Baltimore County orphan's court judge allowed these 2 attorneys to bill almost double the annual salary for Senate and Delegate members for Maryland General Assembly against my grandmother's estate for work I completed. Something that would have cost me around \$3,000 max and a matter of weeks to complete had the courts never gotten involved. Wound up costing my grandmother's legacy and did the exact opposite of what my grandmother wanted, which was to help African Americans who are already suffering. It cost me years of my life as it is taking me time to recover. It broke my mother's heart and caused her unnecessary stress and per the instructions in my grandmother's will I may or may not have hired an attorney to complete the administration of her will, because the will was very simple and straightforward if followed.

Instead, the 2 Court assigned lawyers billed my grandmother's estate at a rate of \$395 an hour per attorney. My first attorney gave me all of my fees back as I had done all of the work to bring it almost to a close that was around \$25,000, that firm is recognized as one of the best in the industry. This was before the courts decided to do the damage and destruction they did and the court assigned attorneys billed almost 4 times as much as my first attorney and did the exact opposite of anything I or my grandmother would have ever wanted and in the end threatened to do even more damage if I did not stop questioning or verbally protesting what they were doing. One should also note that there is a clause in my grandmother's will that is in most wills that the court forcibly ignored. The clause in question if not ignored by the courts would not have allowed the judge or her assigned attorneys to do any of these things she did to me or to my grandmother's estate. The clause is also common language in many, if not most people's wills. That clause is included in the House and Senate bill. Additionally, I had 8 expert witnesses testify to the health disparities I and my family and friends as African Americans face the judges did not care. My attorney fees were around \$7,000 for me to get arrested and for an appeal and yet the court appointed attorneys did nothing but billed almost \$100,000 against my grandmother's estate. Again, nothing my grandmother, I or my family would have ever wanted.

The will works if you work it:

A few examples I will give, nothing works until you work it. If you have ever been on a diet but didn't stick to it... I am sure you likely didn't drop many pounds because you choose pizza, candy and ice cream over water and fruits and lots of veggies and lean protein. Ones will is very similar if you follow the will, it works if you use the courts and override people's wills and do things never stated in the will you do not get the decedents desired results you get for lack of a better word and putting it mildly a "hot mess". Nowhere in my grandmothers will does it say she wants her information or money in the hands of strangers or for me to have to go to jail, yet sadly these were the outcomes because her will was not followed. Just a few examples of things that should never have happened the court appointed attorney's instead of using my grandmother's trusted CPA of over 31 years who had started the taxes already, used a firm 10 times more expensive, something my grandmother would absolutely never have wanted. The judges ruling also missed a very basic concept of charities are to give to the needy. Who is most needy as it relates to health disparities, African Americans my grandmother's intended audience as she was African American and we are already suffering disproportionately.

Please Support this Legislation and bring Honor where there is currently disgrace:

I hope that you will see the disproportionate needs faced by African Americans in many areas of disease but specifically in the area of cancer, cardiovascular disease, Alzheimer's and mental illness and understand that the correct thing to do and way to help is to give your committees full favorable support for this legislation and help honor all groups suffering from health disparities, help honor all caregivers many of whom die while taking care of others and help honor my Granny. Thanks for your time and consideration.

Sincerely,

Jennifer Elsie Johnson

Founder Friends of St. Peter's Cemetery

In loving memory of my Granny

& in Honor of all of our family and friends who have lost their battles to various health disparities

Articles for your review on Caregivers, Health Disparities and Law

Caregiver Burnout

<https://my.clevelandclinic.org/health/diseases/9225-caregiver-burnout>

Why It's Critical to Develop a Backup Family Caregiving Plan

<https://www.aarp.org/caregiving/basics/info-2024/backup-care-plan.html>

Baltimore group provides lifeline for Black women who are caregivers

<https://www.cbsnews.com/baltimore/news/baltimore-binti-black-caregivers-daughters-parents/>

NAACP Calls for Cancer to Be Declared A Public Health Crisis In The Black Community

<https://www.blackenterprise.com/naACP-cancer-declared-public-health-crisis-black-community/>

How Racism Leads to Cancer Health Disparities

<https://www.cdc.gov/cancer/health-equity/racism-health-disparities.html>

How History Has Shaped Racial and Ethnic Health Disparities

<https://www.kff.org/how-history-has-shaped-racial-and-ethnic-health-disparities-a-timeline-of-policies-and-events/?entry=1808-to-1890-medical-exploitation-of-enslaved-black-women>

Health Equity: Overview, History, and Key Concepts | Springer Publishing

<https://connect.springerpub.com/content/book/978-0-8261-7724-7/part/part01/chapter/ch01>

174 Bills Signed into Law, Including Stacey's Law and Others to Honor Marylanders (2019)

<https://marylandmatters.org/2019/04/30/174-bills-signed-into-law-including-staceys-law-and-others-to-honor-marylanders/>

Law school project finds slavery citations still being used today

[Law school project finds slavery citations still being used today | AP News](#)

Senate Bill 1029 Estates and Trust.pdf

Uploaded by: Jesse Bennett

Position: FAV

SENATE BILL 1029 ESTATES AND TRUSTS – INTERPRETATION OF WILLS – EVIDENCE OF INTENT (GRANNY’S LAW)

TESTIMONY BEFORE THE JUDICIARY COMMITTEE IN SUPPORT OF THE PROPOSED LEGISLATION

My name is Jesse Bennett, I am a resident of Randallstown, Baltimore County, Maryland and I am in full support of this proposed legislation. I am a Volunteer Research Coordinator for the Mount Auburn Cemetery located in the Westport community in Southwest Baltimore City, and I am member of the Maryland Cemetery Legislative Advocates.

In my personal and advocacy positions, this legislation attempts to give an option to persons who administer estates of deceased family members other properly identified designees, a opportunity to give testimony to the deceased’s wishes.

Every deceased person’s intentions, when clearly written, should not become objects of judges and lawyer’s reinterpretation. We have all heard stories of how a will can be misinterpreted, mismanaged, and actually stolen by court appointed attorney’s who are charged with resolving estates.

The tragic story of how the Johnson Family’s estate was abused, and how their request to intervene in their deceased family member desires were denied, causing heartbreak, stress, economic loss because of legal defense fees as they simply tried to carry out the will of their loved one.

Many families who go through Probate to settle their loved one’s estates do not have the economic status to pursue legal remedies to contest inequities during the process.

I believe the safeguards in Senate Bill 1029 better known as Granny’s Law, will improve the process for all Maryland citizens going forward.

Please lend your support and vote favorably on Senate Bill 1029.

Thank you for your time today.

JHMorris_ SB1029_Testimony - 030725.pdf

Uploaded by: John Morris

Position: FAV

WRITTEN TESTIMONY IN SUPPORT OF SB 1029 (FAV)

John H. Morris, Jr.
1210 East 33rd Street
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(443) 838-7193
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I am John H. Morris, Jr. This testimony is submitted in support of the legislation identified as SB 1029. I have been a civil litigator. From 1985 through 1993, I have been a partner at Venable, Baetjer and Howard. Over the years, I have served as a visiting professor of law at the University of Baltimore, an instructor in Urban Planning and Community Economic Development at Sojourner Douglass College, and an instructor in Constitutional Law at Stevenson University. I have been a federal public defender in the District of Maryland, special assistant to the general counsel of the federal Department of Education, a law clerk to federal judge, Hon. Joseph H. Young, in the district of Maryland. In addition to the above, in my civic life, I have served as a member of the board of directors for such local not-for-profit organizations as the Baltimore Children and Youth Fund, Associated Black Charities, Interfaith Action for Racial Justice, the American Civil Liberties Union – Maryland, and the Public Justice Center. I secured my education in law through a law degree from Yale Law School.

Through the above professional and civic associations, I have encountered direct experience with the contradictions and paradoxes of prescribed equality, as

well as both taught and written on the subject. It is in this capacity that I hereby testify as to the urgency of the pending legislation.

SB 1029 is crafted simply to facilitate a bequest to address health disparities so as to give a voice to the intention of the decedent through the admission of extrinsic evidence regarding the life's work of the decedent to clarify that intention. Such legislation is needed to respond to the readiness of institutions to continue and persist in practices that promote racial disparity in their common resistance to engage in effective self-critique. Such change too often requires an investment in insight into the problem that the institution may need to acquire or change that necessitates expense. A simple bequest to a health provider, absent more specific direction regarding its application, too often underwrites an organization's existing practices that have historically yielded the disparities whose elimination past adoptions of Maryland law have identified as the focus of public policy.

The problem presented here is that it is often difficult to align the intention underlying a will provision with the intentions of the person making a will without a deep understanding of who the person is making the will. Ordinarily, courts may not consider extrinsic evidence of a person's intentions in making a will when courts construe the will. Nevertheless, the court may consider what it calls extrinsic evidence – proof outside the wording of the will itself -- only to resolve an established ambiguity reflected in the wording of the document. The problem

this principle does not anticipate is what happens then the plain unambiguous wording of a will's bequest, if executed without due clarification by extrinsic evidence, plainly makes a mockery of the decedent's of the decedent's life in that, knowing the person, it would be simply unthinkable that the person intended the result brought about by the wording in the will without the added clarification.

Consider this hypothetical illustration of the problem.

In 1955, Rosa Parks accumulated a sizeable fortune. After refusing to give up her seat on the bus, sparking the Montgomery Bus Boycott, she has considered ways in which her fortune might be used to facilitate the desegregation of Montgomery's buses, and has met with her lawyer to revise her will to make a large bequest to the transit company to soften the transition to a new equitable arrangement for the buses. Understanding that negotiations between the City of Montgomery, the Montgomery Improvement Association to be ongoing, and expecting Dr. King to use this financial gift as an inducement to secure equity, Rosa's will be drafted with no express proviso restricting use of the funds to desegregation efforts. Before the boycott is resolved, Rosa dies unexpectedly, and her will is probated. So, Relying upon the principle that the unambiguous wording of a will should control its interpretation, the transit company insists that the probate court direct Rosa's gift be given it to support its ordinary segregated operation while it opposes the boycott. Faced with a rule like the one now in place in Maryland, Rosa's personal representative is powerless to effectuate Rosa's intentions while allowing her otherwise unambiguous will to be interpreted to assist the continued operation she went to jail to oppose.

In the above hypothetical, HB 0868 would allow Rosa Parks to speak beyond the grave, through his personal representative's recitation of her life, to clarify that the bequest to an organization was intended only to facilitate that organization's equitable impact, not just to sustain its inequitable operation. In the

case of health results, the legislation would also support an outcome that Maryland law determines to be favorable to public policy.

Moreover, SB 1029 anticipates circumstances where its prescription would have wide application. There is an emerging pool of generational wealth arising from the Civil Rights Revolution of the 1960s about to be dispersed as aging Black entrepreneurs and professionals live out their retirement years and look to dispose of the remainder of the savings that had sustained their retirement. That new wealth, hereby directed by them with due legal protection of its intended application, may reflect the most effective support of the State's articulation of public policy than any formal appropriation of public funds.

Why might anyone oppose this outcome? This testimony is not intended to offer the answer to that question, only to acknowledge that there are indeed entities opposed to that outcome. These entities may profess the best of intentions or contend that, somehow, they know better; yet, nonetheless, they somehow manage outcomes that promote the disparity they degree. These entities require the incentive structure that SB 1029 promotes to achieve success in eliminating disparity.

Those opposing this legislation say that, while they sympathize with its objective of addressing health disparities, they contend that the legislation is contrary to established caselaw, and that they do not understand how it addresses

the professed objective. Those opposed to this legislation are wrong on both points, leaving in place of their opposition, only the favorable objective they commend.

Specifically, they maintain that law only permits extrinsic evidence of the decedent's intent where the will is patently ambiguous, such as where the will would appear to make confusing reference to two or more legatees. The opponents would not allow such extrinsic proof to clarify the intention of the decedent when the Court's proposed interpretation of a will bequest simply contradicts how the decedent has lived his or her life. Is procedural conformance more important than honoring the life's work of the decedent as it may inform intention? The opponents to this legislation simply overlook that power of this body to clarify what the law should be – particularly when it has previously articulated public policy, and the outcome that this legislation supports is entirely compatible with that policy.

Last, the opponents observe that the objective of this legislation can easily be achieved with the intervention of good lawyering crafting a suitable will. How far should the assumption of good lawyering go? In criminal law, the Constitution and the Maryland Declaration of Rights assure good lawyering to every criminal defendant. Yet, that guarantee is not, as a matter of law, sufficient to require the upholding of every guilty verdict secured with a defendant's provision of counsel.

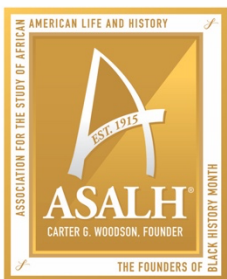
The law nonetheless provides a process for the court to determine whether the criminal proceedings were tainted by counsel's ineffectiveness. This legislation offers similar procedural protection to promote the intention of the decedent notwithstanding the availability of counsel. Is that process unreasonable where the Court may be proceeding demonstrably contrary to the decedent's intention? Isn't such provision a reasonable application of the law not otherwise afforded? This legislature has the power to make things right, and it should here exercise that authority contrary to the recommendation of the opponents to this legislation.

Ironically, it is the existence of that inexplicable opposition that speaks to the necessity for this legislation. Without the protection this legislation would afford to the clarified intention of the decedent, it is hard to imagine a future where such disparities no longer persist. The General Assembly should therefore adopt SB 1029 as law in Maryland.

ASALH Johnson Letter FINAL.pdf

Uploaded by: Karsonya Wise Whitehead

Position: FAV



ASALH

ASSOCIATION FOR THE STUDY OF
AFRICAN AMERICAN LIFE AND HISTORY, INC.

Friday, March 7, 2025

Dear Chair, Vice Chair and Committee Members of judicial proceedings,

My name is Karsonya Wise Whitehead, and I am the president of the Association for the Study for African American Life and History (ASALH). Established on September 9, 1915, by Dr. Carter G. Woodson, ASALH is the cornerstone of the work of Woodson and as the founders and keepers of Black History Month, we carry forth his work and his legacy. We also take a special interest in ensuring that the teaching of Black History continues to be centered and uplifted.

I write today on behalf of ASALH member Jennifer Johnson to support her work to pass SB1029 Granny's Law, which is designed to both honor her grandmother and any anyone else's loved one "whose will and/or estate was or unfortunately is currently being grossly misinterpreted by the orphan courts in Maryland."

I urge the body to take up this important Bill and move it along toward ratification.

With gratitude,

Karsonya Wise Whitehead, PhD

The Association for the Study of African American Life and History
301 Rhode Island Avenue, NW, Suite 1508
Washington, DC 20001

cc.

Sylvia Cyrus, Executive Director, ASALH

David Walton, National Secretary, ASALH

Jennifer Johnson, Founder Friends of St Peter's Cemetery

SB1029 Granny's Law

This bill seeks to CORRECT the following:

- Historical Wrongs of Health-related Charities not supporting Maryland State Policy of working to eradicate Health Disparities.
- Historical wrongs of the Orphans Courts ignoring people's wills and essentially allowing lawyers to make large profits off of deceased people's estates.
- Historical wrongs of the Orphans court overriding the descendant's family's and trusted personal representatives.
- Historical wrongs imposed on Caregivers. Caregivers are most often times the Power of Attorney and then the Personal Representative. Caregivers' rights and respect are often times ignored. This bill seeks to give the power and authority back to the person who has done most if not all of the work to help the decedent in life and in death.
- This bill will help honor my Granny (Jennifer Johnson) and anyone else's loved one whose will and/or estate was or unfortunately is currently being grossly misinterpreted by the orphan courts in Maryland.

SB1029_ FAV_ Keith Auzenne_ Testimony.docx.pdf

Uploaded by: Keith Auzenne

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (**Granny's Law**)

Support **FAV**

Keith Auzenne

Address: 788 Frilot Cove Rd Opelousas La 70570

Email: keith_auzenne@yahoo.com Phone: 337 351 3672

March 7, 2025

Dear Judicial Proceedings Committee: Chair, Vice Chair and Members,

I am writing to you today from the great "Pelican State" of Louisiana. My name is Keith Auzenne and I have known Jennifer Johnson and her family for almost 20 years. Jennifer's grandmother was a wonderful lady and I often reminisce on some of the beautiful conversations we all shared together.

What happened to Jennifer's MawMaw (Granny) is totally unacceptable. Having lost my father's brother and my father's father to cancer and then my mother's brother and her father both to heart related issues, I know all too well how bad health disparities are killing African Americans.

My heart was broken when I found out what that judge did to Jennifer and her Granny's Estate. Jennifer shared the physical copy of the will with me and I really am baffled as to how the judge did any of the things she did as the will clearly states she should have had no authority to do anything.

I was ready to fly up there and bail Jennifer out but the way the judge did what she did we couldn't even post bail for her. Jennifer's mother was a total nervous wreck as was I and all her friends and family. Lucky Jennifer is smart and got out faster than we all thought she would and was thankfully unharmed. I watched the House hearing for the sister bill and I found it very disturbing that the opponents want to blame what happened on the will. Since I saw the will, I know for a fact it did not state to put Jennifer in jail, it did not state that they could do any of the things they did to my dear friend. The powers that be did it because they could and the harm they caused is not anything my friend should have ever had to endure.

I'm proud of Jennifer and I know her MawMaw would be too... I ask you to pass this legislation with your full committee's support and honor the life and legacy of Jennifer's Granny. I'm fully supportive of **HB0868** and **SB1029** Estates and Trusts - Interpretation of Wills - Evidence of Intent **Granny's Law** and pray you are too. Exodus 20:12 "Honor your father and your mother, that your days may be long in the land that the Lord your God is giving you". Help Jennifer honor her MawMaw.

Be Blessed,

Keith Auzenne

test1.pdf

Uploaded by: Kimberly Lee

Position: FAV

My name is Kimberly Lee, and I am testifying in support of HB 1518 “Granny’s Law”. I believe this bill should be passed so that personal representatives should not endure the hardship of not being able to carry out their loved one’s legacy.

I have watched Jennifer Johnson take impeccable care of her grandmother, Sylvia Johnson. Jennifer was working full time when her Ms. Johnson became ill to the point where she needed more care. There were plenty of times Jennifer had to leave her job to tend to her grandmother’s medical needs. It got to the point where Jennifer became her full-time care giver and was responsible fully for Ms. Johnson. Ms. Johnson was her number one priority, and Jennifer took this role and responsibility with grace and love. She stepped right in, and advocated for her grandmother’s safety, care, and quality of life.

Jennifer and her grandmother were very close, and she knows what her grandmother’s wishes were in respect to her legacy, and gifts. The types of charities that Ms. Johnsons choose to support meant a great deal to her family, due to the many health disparities that her family has suffered. If the intention for gifts is to help people who have suffered disproportionately health disparities, then the deceased wishes should be carried out in the manner that they were intended. No one should be concerned that their personal representative could be challenged about their intended wishes.

Thank you,

Kimberly Lee

SB 1029_Written Testimony_Lanise Stevenson.pdf

Uploaded by: Lanise Stevenson

Position: FAV

Written Testimony

In Support (FAV) of Senate Bill 1029 – "Granny's Law"
Estates and Trusts – Interpretation of Wills – Evidence of Intent
Maryland General Assembly

Lanise Stevenson
2222 Lawnwood Circle
Gwynn Oak, MD 21207
Lanise.K.Stevenson@gmail.com
(443) 418-7106

Good afternoon, Chair, Vice Chair, and esteemed members of the committee. My name is Lanise Stevenson, and I am here today in strong support of Senate Bill 1029, legislation that ensures bequests intended to address health equity are used as their donors envisioned.

I come before you not only as a complementary healthcare practitioner and researcher but also as someone whose life has been profoundly shaped by cancer. I am a survivor of thyroid cancer, and I carry within me the stories, struggles, and legacies of my grandmother, mother, aunts, cousins, and close lifelong friends, all of whom lost their battles with breast cancer. Cancer is not just a diagnosis—it is a generational burden that too often weighs heaviest on marginalized communities.

Senate Bill 1029 is a necessary safeguard to ensure that the resources meant to fight health disparities are not diverted away from their intended purpose. Too often, funding designated to advance health equity is lost in bureaucratic redirection, leaving patients, survivors, and families without the support they desperately need. For families like mine, and so many others in communities disproportionately impacted by cancer, these funds could mean access to critical screenings, life-saving treatments, culturally competent care, and survivorship programs.

When my mother was diagnosed with breast cancer, she fought to access the best care, yet she faced systemic barriers that made an already difficult battle even harder. She, like many women of color, deserved equitable treatment and resources that would have given her a better fighting chance. Health equity is not a luxury—it is a right. Senate Bill 1029 honors the intent of those who bequeath funds for this purpose, ensuring that their legacy is not diluted or misused but instead fulfills its highest potential: saving lives.

As a cancer survivor and someone who has lost far too many loved ones to this disease, I urge you to pass this bill. It is not just a matter of legal clarity; it is a matter of justice. We must honor the wishes of those who seek to eliminate health disparities, just as we honor the lives of those who have been lost too soon.

Thank you for your time and for your commitment to health equity in Maryland.

Lauren Parker Testimony Grannys Law 3.7.25.pdf

Uploaded by: Lauren J. Parker, PhD, MPH,

Position: FAV

March 7, 2025

Dear Judicial Proceedings Committee,

I am both a caregiver for my grandmother and an Associate Scientist in the Department of Health, Behavior, and Society at Johns Hopkins Bloomberg School of Public Health. My research focuses on how home- and community-based supports can address the cultural needs of African American and Hispanic caregivers for people living with dementia. Specifically, I study the impact of adult day services on the well-being of caregivers, examining both physiological and psychosocial stressors. This research highlights how these services provide critical relief to caregivers while improving the quality of care for older adults. Another key area of my work is implementing culturally tailored interventions to reduce caregiver stress and improve access to supportive services.

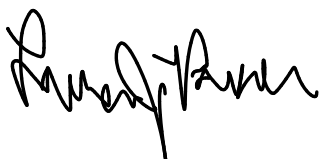
I also serve on the Leadership Core/Health Equity Task Force of the Public Health Center of Excellence in Dementia Caregiving and the Research Committee of the National Adult Day Services Association. Through these roles, I contribute to national efforts to advance equitable caregiving policies and ensure that diverse communities receive the support they need. My academic training includes a Dual-title PhD in Gerontology and Health Promotion from Purdue University and postdoctoral training at Johns Hopkins Bloomberg School of Public Health.

I strongly support **SB1029 - Estates and Trusts - Interpretation of Wills - Extrinsic Evidence of Intent (Granny's Law)** and urge the Judicial Proceedings Committee to do the same. This bill provides necessary protections for caregivers, particularly minority women, who often serve as the backbone of care within families. It is a critical step toward ensuring fairness in estate and trust matters, addressing historical disparities, and recognizing the invaluable role caregivers play in our society.

As both a caregiver and a researcher dedicated to studying the challenges caregivers face, I see **SB1029** as a necessary and logical step to promote justice and stability for Maryland families. I respectfully ask for the committee's **full favorable support** of this legislation. Thank you for your time and consideration.

Sincerely,

Sincerely,

A handwritten signature in black ink, appearing to read 'Lauren J. Parker', with a stylized, cursive script.

Lauren J. Parker, PhD, MPH,
Johns Hopkins Bloomberg School of Public Health
627 N. Washington Street, Baltimore, MD 21205
Email: Lparker@jhu.edu

written testimony for sb1029.pdf

Uploaded by: Lawrence Grandpre

Position: FAV

Written Testimony

SB1029- Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)
Recommendation: Favorable

Submitted By:
Lawrence Grandpre
867 W Lombard St
Baltimore, MD 21201
Lawrence.Grandpre@gmail.com
410-501-9291

Hello,
My name is Lawrence Grandpre.

I'm writing to urge the judicial proceedings to issue a favorable review of Granny's Law, **SB1029** which would allow for extrinsic evidence to be introduced to support the right of personal representative to clarify intent in the instance of donations related to health equity.

As one of the issues I have worked extensively on is policing reform, hearing the story of Ms. Jennifer Johnson was extremely disturbing. No individual should face the possibility of police action and incarceration solely for standing up for what you believe is the sincere wishes of a loved one. Racial bias in the court system has been long-established, and the possibility of future Black residents of Maryland facing such a terrifying result seems to require legislative intervention. Beyond the technical and legalistic concerns around extrinsic evidence, I believe that the fundamental need to rectify the possibility of anything like this happening again makes this bill necessary.

Moreover, as my professional work touches on issues of wealth and health inequity, this issue of health disparities is of substantial importance to me. The Office of Minority Health and Health Disparities reported in 2024 that health gaps in preventable mortality are increasing in the state of Maryland for common causes of mortality such as stroke, diabetes, and infant mortality.¹ Even in so-called "affluent" counties like Howard County, Black people have the highest rates of heart disease and are hospitalized for high blood pressure at three times the rate of white residents.² This goes to show the need for investments in health equity in Maryland.

¹ The Office of Minority Health and Health Disparities. *Office of Minority Health and Health Disparities Report Annual Report 2023*, Maryland Health Department, 1 Mar. 2024, [health.maryland.gov/mhhd/Documents/MHHD_FY2023_Annual_Report_Final_\(1\).pdf](https://health.maryland.gov/mhhd/Documents/MHHD_FY2023_Annual_Report_Final_(1).pdf).

² Kurtz, Josh. "Report: Even in Md.'s Wealthiest County, Health Disparities Persist." *Maryland Matters*, 31 Jan. 2020, marylandmatters.org/2020/01/31/report-even-in-md-s-wealthiest-county-health-disparities-persist/.

This need to respect the ability of personal representatives is made more important when the role of racial income and wealth inequity is considered. Nationwide, post pandemic the Black-White wealth gap has continued to widen, creating almost a quarter of a million dollars on average in 2022.³ In Maryland, Black individuals make only .70 cents to every dollar white individuals make.⁴ Areas of the state that have the highest percentages of minorities (Baltimore City, Baltimore County, and Prince George's County) have the highest rates of incarceration, which studies have shown has had an extreme negative effect on every metric of health and wealth in these communities^{5 6}. In the face of targeted racial systemic violence, the idea that Black families who were lucky enough to be able to accumulate wealth would not have the ability to decide where this wealth after death goes after death is profoundly concerning.

This concern is magnified when it comes to the issue of investments in health equity. Unlike any other donation, investments in health equity are literally an issue of life and death. America's long history of medical racism means even well-meaning investments frame "health equity" can have devastating health consequences for communities. For example, in the 1990s the Abell Foundation invested in contraceptive implants and funded their use in Baltimore City public schools, causing a nationwide debate about informed consent and concerns over racial bias.⁷ Some of these implants had long-term negative health outcomes for the individuals who received them, leading to a lawsuit against the manufacturer.⁸

This is not to single out the Abell foundation, but to make the point that, from their perspective, cutting teen pregnancy was a desirable health equity goal, and, for another, the way in which they pursued that end violated their notions of racial justice. This is precisely why health equity investment requires the maximum amount of input and control on behalf of a personal representative. Not only are we dealing with the possibility of funding interventions that can lead to real physical harm, or even legal liability, but, most importantly, depending on what the interpretation of the individual is, they may end up funding interventions that may do the opposite of the donor's intent.

³ Alyasah Ali Sewell, Keon L. Gilbert, and Camille Busette Gabriel R. Sanchez. "Black Wealth Is Increasing, but so Is the Racial Wealth Gap." *Brookings*, 18 Jan. 2024, www.brookings.edu/articles/black-wealth-is-increasing-but-so-is-the-racial-wealth-gap/.

⁴ Kent, Ana Hernandez. "Examining U.S. Economic Racial Inequality by State: St. Louis Fed." *Federal Reserve Bank of St. Louis*, Federal Reserve Bank of St. Louis, 10 Jan. 2023, www.stlouisfed.org/publications/bridges/volume-3-2020/examining-us-economic-racial-inequality-by-state.

⁵ McKay, Tasseli. *Stolen Wealth, Hidden Power: The Case for Reparations for Mass Incarceration*. University of California Press, 2022.

⁶ Office of Social Equity. "Community Reinvestment and Repair Fund Survey Results Report." *Office of Social Equity*, Dec. 2023, ose.maryland.gov/Documents/CRRF_Report_-_OSEv3.pdf.

⁷ Licata, Justina Carmela. "The Politics of Norplant: Feminism, Civil Rights, and Social Policy in the 1990s." *NC Docks*, 2020, libres.uncg.edu/ir/uncg/f/Licata_uncg_0154D_12994.pdf.

⁸ *ibid*

The reality is one person's legitimate health equity investment is another person's example of illegitimate overreach, and it should not be up to the donor institution and judge alone to make this determination when the money to pursue these interventions comes from the hard-earned wealth of the residents of Maryland. This is especially true when the investment comes from Black and Brown Marylander's intending for the fruits of their life's work to reflect their specific vision of health equity. This is not merely a question of confusion on donor intent akin to confusion over the name of a relative; it's a fundamental distinction when donor money may be used to fund the opposite of donor intent with serious consequences.

I hope you take these comments in the spirit they are given. I understand there are legal precedents which have determined how these processes have functioned in the past. However, given that civil rights laws only passed in the 50s and 60s, we are dealing with one of the first generations of Black wealth being passed down intergenerationally from baby boomers to future generations. Thus, the legal system may not have had to consider these unique concerns when it comes to bequests focused on racial equity and the power imbalance between Black and Brown personal representatives and the legal system. Despite wealth inequity, Maryland, as home to two of the wealthiest majority Black communities in the country, and with increased ability to target their resources toward health equity, I believe these investments will have a substantial impact on health equity.

Thank You,
Lawrence Grandpre

SB1029Granny'sLaw.pdf

Uploaded by: Lekesha McClammy

Position: FAV

SB1029 Estates and Trust- Interpretation of Wills- Extrinsic Evidence of Intent (Granny's Law)

Lekesha D. McClammy

3605 Bretton Mills Dr.

Raleigh, NC 27616

ldmcclammy@gmail.com

(252) 671-5743

Support FAV

Hello, my name is Lekesha D. McClammy, and I am in favor of SB1029 Granny's Law. I have been certified as a Nursing Assistant for the last 25 years. Although I do not work in the field full-time any longer, I have been in contact with multiple people and experienced health disparities over my years in healthcare. This issue is affected by a number of health disparities such as, the physical strain on the body when taking care of a sick individual or someone with a disability and the lack of healthcare workers in nursing facilities.

In 2011 I was responsible for caring for 6 patients in a memory care unit at a nursing facility. The care that was given consist of bathing, dressing, and transporting to the social area for daily activities. On my last patient, I was in the process of positioning the wheelchair when my patient kicked me in my lower back, and I fell forward. This is just 1 of multiple injuries I received, but this injury took me out of work for 2 months before I could return on light duty. I had to continue physical therapy for another 6 months before being able to do my job fully. This was financially hard, and most of all my body will never be the same. This is one of the reasons I made a career change because physical lifting and assisting the sick has a way to put a strain on your body over time.

Another disparity in healthcare is the lack of healthcare workers to assist and maintain healthy conditions in the nursing facilities. My aunt has been in and out of the hospital with aspiration pneumonia due to not being monitored when she eat or drinks. This has been an ongoing issue because of the lack of Nurse Aides and the ratio of patients they need to provide care. It has caused my cousin some mental strain because she is worried about her mother and the care she is receiving in the nursing facility. She cannot afford to bring her home and care for her because of the lack of home care aides and the limited number of hours they are given to work.

These reasons listed above are the reason I am in favor of "Granny's Law" . We need resources for the African American community in the state of Maryland who suffer from more than just these health disparities. My recommendation is you vote yes for the "SB1029 Granny's Law.

SB 1029 Estates and Trusts written testimony mto r

Uploaded by: Marie-Therese Oyalowo

Position: FAV

SB 1029 Estates and Trusts-Interpretation of Wills-Evidence of Intent (Granny's Law)

Dr. Marie-Therese Oyalowo (Professor, Board Certified Oncology Pharmacist, FNAP, RN)

30920 College Backbone Road
Princess Anne, 21853
moyalowo@umes.edu
410-621-3045

Written Testimony for the Maryland State Legislator
March 6, 2025

Dear Senator Attar and Committee Members,

I am pleased to submit testimony in support of Senate Bill 1029, also known as “Granny’s Law”. I will be specifically addressing the area of health disparities among Blacks as observed in my practice. I have been a practicing pharmacist for over 40 years, and Board-Certified as an oncology pharmacist for more than 20 years. Prior to initiating my career in pharmacy, I practiced as a Registered Nurse.

Cancer is the second leading cause of death (after cardiovascular disease) nationally and globally. While there are several publications on disparities in cancer care , a few examples are presented here on the four most prevalent solid tumors in the United States:

- Mortality rates for all cancers combined between 2018-2022 was higher in both Non-Hispanic Black males and females than their Non-Hispanic White counterparts
<https://seer.cancer.gov/statfacts/html/all.html>
- In breast cancer, while the incidence of new diagnoses was higher in Non-Hispanic Whites than Blacks (139 vs 129.3 per 100,00, respectively), mortality rate was higher in the Non-Hispanic Black population (26.8/100,000) compared to 19.4/100,000 in Non-Hispanic White females
<https://seer.cancer.gov/statfacts/html/breast.html>
- In colorectal cancer, the incidence of new cases per 100,000 as well as the mortality rates are higher in both black males and females than their white counterparts
<https://seer.cancer.gov/statfacts/html/colorect.html>
- Prostate cancer provides a similar pattern of new cases and mortality, as in the aforementioned cancers, with higher incidence and mortality rates in black males.
<https://seer.cancer.gov/statfacts/html/prost.html>
- In lung cancer, the incidence of new cases and mortality are higher in black males but lower in black females <https://seer.cancer.gov/statfacts/html/lungb.html>

The area of research has also documented significant disparities in clinical trials where the population of black patients is often minimal to none in the studies. A recent study by Andre et al. (NEJM, 2024) examined novel therapies in 303 patients with colorectal cancer.

Unfortunately, there were only 4 black participants in the trial, on a cancer that is more prevalent in the black population.

It should be noted that the causes of disparities in cancer care are multifactorial, with socioeconomic factors, health literacy and access to care among several examples.

I am available to provide additional examples from my practical experience if provided with the opportunity to provide oral testimony.

Thank you.

Sincerely,

Marie-Therese Oyalowo, PharmD, BCOP, FNAP, RN
Professor & Director of Drug Information Services
University of Maryland Eastern Shore
School of Pharmacy and Health Professions
30920 College Backbone Rd
Princess Anne, MD 21853

SB1029_ FAV_ Michael Mitchell.pdf

Uploaded by: Michael Bowen Mitchell

Position: FAV

Please accept the attached HB0868 testimony as my written testimony for SB1029. Any questions I can be reached by email or phone.

Thanks,

Senator Retired Michael Bowen Mitchell Sr.

410 382 1533

michaelbowenmitchell@gmail.com

Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law) HB0868
Retired Senator Michael Bowen Mitchell, Sr.
michaelbowenmitchell@gmail.com
4730 Atrium Ct, Owings Mills, MD 21117
4103630330
Support FAV

February 25, 2025

Dear Judiciary Committee Chair, Vice Chair and Members,

I am a retired member of the Maryland State Senate, former Member of Baltimore City Council Representative to City Planning Commission.

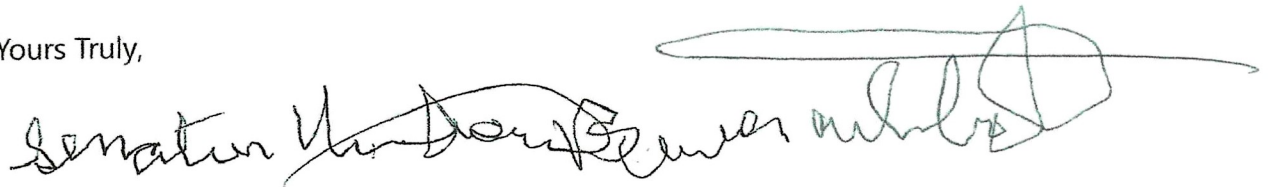
I support HB0868 Granny's Law and urge it's passage by the Maryland Legislator to protect African Americans and all people and their intentions for distributions of their estates. I knew Jennifer Johnson's grandmother in my youth. She was a pillar of the Anne Arundel County community and was an active member of the NAACP.

I have had the pleasure of meeting and learning of Jennifer's efforts to honor her family's legacy in the last year. This legislation would restore honor to her and her grandmother. It is important that the committee pass this legislation.

My late mother Juanita Jackson Mitchell was the first African American women to practice Law in the state of Maryland and she was the first Black editor of the University Maryland School of law review which was an honor society.

Please accept this letter as my support of House Bill 0868 Estates and Trusts - Interpretation of Wills - Evidence of Intent "Granny's Law"

Yours Truly,

A handwritten signature in black ink, appearing to read "Senator Michael Bowen Mitchell Sr.", with a large, stylized flourish extending to the right.

Senator Retired Michael Bowen Mitchell Sr.

SB 1029 Granny's Law Written Testimony by Dr. Miri

Uploaded by: Miriam Purnell

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Dr. Miriam Purnell (Pharmacist, Professor, Health Disparities Expert)

1 Backbone Rod

Princess Anne, MD 21801

mcpurnell@umes.edu

410-621-3777

Support FAV

Written Testimony for the Maryland State Legislature

Date: March 7, 2025

Senator Smith and Members of the Committee:

I appreciate the opportunity to submit testimony in strong support of SB1029, known as "Granny's Law." This bill was inspired by a woman who designated in her will that funds should be used by beneficiaries to support initiatives that help improve health disparities in Black populations. As a pharmacist, professor, and expert in health disparities, I am providing evidence-based analysis on the critical need for this legislation and the existence of health disparities in Black Populations.

SB1029 -Granny's Law

Granny's Law allows a personal representative to ask the orphans' court to clarify a deceased person's will based on outside evidence of their true intentions. It also creates a legal assumption about what the deceased likely intended, which can be challenged. Additionally, it gives the representative the power to ask a beneficiary to show how they are using their inheritance. If specific wording is included in the will, the court must interpret it in a particular way.

Key Points Supporting SB1029

Black Adults have a lower life expectancy than non-Hispanic Whites. In 2022, life expectancy for Black Americans was almost 5 years less than non-Hispanic Whites (72.8 vs. 77.5, respectively). Heart disease, cancer, accidents, stroke, and COVID-19 were the top causes of death among Black Americans. (<https://minorityhealth.hhs.gov/blackafrican-american-health>)

- **Black Adults Experience Higher Rates of Chronic Disease**
 - Black Adults were 20% more likely to have diagnosed hypertension than non-Hispanic white adults. (<https://minorityhealth.hhs.gov/heart-disease-and-blackafrican-americans>)
 - In 2023, non-Hispanic Black adults were 30% more likely to have asthma and 2.5 times more likely to die from asthma-related causes compared to non-Hispanic white adults in 2023. (<https://minorityhealth.hhs.gov/asthma-and-blackafrican-americans>)
 - In 2023, non-Hispanic Black or African American adults were 1.4 times more likely than non-Hispanic white adults to be diagnosed with diabetes. In 2021, non-Hispanic Black or African Americans were 40% more likely than non-Hispanic whites to die from diabetes. (<https://minorityhealth.hhs.gov/diabetes-and-blackafrican-americans>)
 - Black/African Americans have lower 5-year cancer survival rates for most cancer sites than non-Hispanic whites. Black/African American females have similar rates of breast cancer incidence as non-Hispanic white females, but from 2018–2022 they were 40% more likely to die from breast cancer than non-Hispanic white females. (<https://minorityhealth.hhs.gov/cancer-and-blackafrican-americans>)

- Compared with non-Hispanic whites, AA with mental illness:
(<https://www.psychiatry.org/psychiatrists/diversity/education/mental-health-facts>)
 - Have lower rates of any mental health service (e.g. prescription meds, outpatient services)
 - Are more likely to go to emergency rooms or primary care than to a mental health specialists
 - Are less likely to be included in research
 - Are less likely to receive guideline consistent care
 - Black people are more likely than White people to face social and economic inequities that negatively impact health (<https://www.kff.org/policy-watch/how-recognizing-health-disparities-for-black-people-is-important-for-change/>)

Black Adults Face Economic Barriers

Proper estate planning and will interpretation can mitigate financial strain on Black families (<https://www.epi.org/blog/heirs-property/>), who are more likely to face economic hardship due to unexpected medical and long-term care costs (<https://www.nclc.org/resources/the-racial-health-and-wealth-gap/>).

Addressing Opponent Arguments

1. **Concern: "This bill increases the risk of will disputes and legal complications."**
 - FACT: The bill provides a structured process for interpreting wills based on demonstrable intent, reducing ambiguity and costly litigation.
2. **Concern: "There is no clear evidence that this law will improve estate outcomes for vulnerable populations."**
 - FACT: Data shows that Black families are disproportionately impacted by intestate succession laws, leading to loss of generational wealth and increased financial strain.
3. **Concern: "It will increase administrative burden on courts and personal representatives."**
 - FACT: Clear legal frameworks for will interpretation ensure smoother probate processes, reducing long-term legal costs for families.

Conclusion

Granny's Law is essential to ensuring that the original intent of estate donations is honored, particularly when designated to address critical health disparities. When funds meant to help marginalized communities are misused or redirected, the existing inequities in healthcare access and outcomes worsen. SB1029 is a necessary step in addressing the significant disparities affecting Black and underserved Marylanders. Ensuring equitable will interpretation will improve financial stability, reduce healthcare costs, and protect generational wealth. I urge the legislature to pass Granny's Law and support Maryland's most vulnerable residents.

Thank you for your time and consideration.

Sincerely,



Miriam C. Purnell, Pharm.D.
University of Maryland Eastern Shore
School of Pharmacy and Health Professions
Department of Pharmacy Practice and Administration
Chair and Professor
Program Director, PBC Rural Health Disparities and Social Inequities

Grannys Law.pdf

Uploaded by: Nicole Freeman

Position: FAV

This bill creates the needed conversation to make changes to the issues that affect individuals with medical conditions that are unserved, underprivileged, underrepresented, and under cared for. Health disparities in the low-income populations alone divide Maryland and the country, providing those who may lack capital with limited resources to the basic needs of mankind. For instance, Breast Cancer is a leading cause of death in African American women. Although prevention and treatment plans have evolved and progressed, there remain pockets of women who go without annual mammograms, education on breast cancer, up to date treatment plans, and follow up surgeries and therapies. Granny's Law is the start to breaking down institutional, cultural, and education biases to provide basic and needed healthcare throughout Maryland.

SB1029_FAV_Paula Langford_Testimony.pdf

Uploaded by: Paula Langford

Position: FAV

March 11, 2025

Judicial Proceedings Committee

Vote: Fav Bill Number: SB 1029 Granny's Law

Dr. Paula Langford

4219 Red Haven Road Pikesville, Maryland 21208

healbalt@gmail.com

Good afternoon, Chair and Members of the Committee,

My name is Dr. Paula S. Langford, and I strongly support Granny's Law (SB1029)—a necessary step to ensure dona or funds meant to address health disparities are used for their intended purpose.

For too long, we have witnessed systemic failures in Maryland, from substandard nursing home care to a lack of access to affordable medication, cancer research inequities, and the underfunding of prevention awareness programs. Our most vulnerable—our elders, children in foster care, and families struggling with healthcare costs—continue to suffer while charitable funds are mismanaged.

Beyond healthcare disparities, we must also acknowledge the historical wrongs of the Orphans' Court overriding the wishes of descendants' families and trusted personal representatives. Time and again, we have seen these courts ignore legally binding wills, allowing attorneys and institutions to profit off the estates of deceased individuals rather than honoring their final wishes. This injustice compounds generational wealth disparities, disproportionately affecting Black and Brown families and stripping communities of the resources meant for them.

We must break this cycle. Granny's Law demands transparency, accountability, and the redirection of funds toward culturally appropriate, community-based programs for us. We cannot allow legal loopholes and institutional neglect to continue exploiting our elders in life and in death. I urge you to pass Granny's Law to protect our communities, honor our ancestors, and ensure a just future for all Marylanders.

Thank you.

Dr. Paula Langford, LICSW

The Healing Institute Global

Office: 410-913-9188

Healing the world one brain at a time!

Sandra A Johnson_FAV_ SB1029.pdf

Uploaded by: SANDRA JOHNSON

Position: FAV

Sandra A. Johnson
3908 Brookhill Road Baltimore, Maryland 21215
sandrajohn@aol.com 410-764-8529

March 7, 2025

Support FAV SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Dear Judicial Proceedings Committee Chair, Vice Chair and members,

I am writing this letter in support of SB1029 Granny's Law. I am Jennifer Johnson's mother and I lost my husband, Jennifer's beloved father, to a heart attack several years ago. I have also lost many friends and family members to Alzheimer's, Cancer and Cardiovascular disease. Additionally, I spent a good part of my professional career working in the State of Maryland juvenile justice system so I have seen first-hand some of the mental illness that is affecting the African American Community.

Jennifer was an excellent caregiver for her grandmother. Jennifer and her grandmother were inseparable while she was alive and Jennifer facilitated services for her such as getting her hair and nails done and making sure that she attended entertainment and church services whenever possible, as well as attending to all her medical and everyday living needs.

I am proud of my daughter for taking a stand and trying to honor her grandmother's wishes. However, I was horrified at how the courts handled my daughter and I did everything in my power to quickly get her out of a situation that should have never happened. It goes without saying that my daughter has never been in trouble with the law in her life. As the mother of Jennifer, who was incarcerated per Judge Juliet Fisher's orders in September 2022, (while Jennifer's best friend Kim was dying of cancer) I spent several days searching my daughter's home, trying to piece together information to satisfy the Judge's court order. I also visited the bank where my mother-in-law kept her accounts, to no avail, as the bank would not provide any information due to privacy laws. Jennifer's lawyer asked me to search every source possible to locate any/all financial information available to provide him to satisfy the Court's orders.

In my search for the required information, I probably didn't find everything, but I did follow the court order and tried to find "any and all" information. When I wasn't searching for said information, I was sad and feeling depressed and extremely concerned about my daughter's wellbeing. Jennifer had never been confined in a correctional facility, never been accused of a crime or subject to court hearings and legal orders before. I prayed that the court would have mercy on my daughter and release her from confinement immediately before this experience had any lasting negative impact. I had little or no knowledge about how the Baltimore County Court/Penal Systems . I searched for information when I or close friends could visit Jennifer. I was appalled to find out that I couldn't visit her until she had been confined for more than a week. Telephone calls were only allowed once a day and the length of the calls were limited to 5 minutes. I could only pray that Jennifer would be OK. This ordeal and the way the courts handled my daughter and her grandmother's affairs was beyond disturbing and inflicted unnecessary chaos and upheaval in all of our lives. I ask for your committee's full support for this legislation, SB1029 Granny's Law to help bring justice to our family and to prevent anything like this from ever happening to anyone else in our state.

Sincerely,

Sandra A. Johnson

SB1029 General Assembly Written Testimony.pdf

Uploaded by: Sharon Duncan Jones-Eversley

Position: FAV

Sharon Duncan Jones-Eversley, DrPH, MA
Professor Emeritus -Social Epidemiologist
SB1029 General Assembly Written Testimony
Judicial Proceeding Committee
Scheduled on March 11, 2025

Hello, I am Dr. Sharon Duncan Jones-Eversley. First, thank you for the opportunity to express my favorable endorsement of SB 1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law). I am a lifelong Marylander who was born, raised, and educated in public schools in Baltimore City. My three higher education degrees are from Maryland institutions: Morgan State University and the University of Baltimore.

I am a Professor Emeritus and Social Epidemiologist in the Family Science Department at Towson University. Please note that my testimony today does not represent Towson University. Rather, it reflects my over 40 years in human services and public health.

As a health disparities scholar in the early 2000s, under the leadership of Dr. Carlessia Hussein, I conducted analytical data, researched, and authored four (4) seminal reports for the Maryland Department of Health, Office of Minority Health and Health Disparities. Those reports guided Maryland's First Plan to Eliminate Minority Health Disparities in our great state.

While Granny's Law primarily addresses the interpretation of wills, it has significant implications in Maryland and the nation as we are at the dawn of the largest intergenerational transfer of wealth (an estimated \$124 trillion) from older generations to their intended beneficiaries (Godbout, 2025). Granny's Law provides essential safeguards to protect the true intentions of Maryland's elderly residents as they pass their wealth, assets, and legacies to future generations.

Granny's Law also complements the Maryland Department of Aging's *Longevity Ready Maryland* initiatives to ensure a better quality of life and aging for all Marylanders, regardless of zip code, race, ethnicity, or other social demographics that contribute to variances in health care, health outcomes, and overall quality of life.

However, more importantly, SB 1029 aligns with the MD Code that addresses identifying and eliminating health disparities in Maryland. Persistent health disparities exist and remain among marginalized Marylanders ages 60 and older. In Maryland, African Americans are 84% more likely than whites to be diabetic. They are also about 25% more likely to die from heart disease or stroke (Maryland BRFSS Surveillance Brief, 2022).

Similar to national data, Maryland Black Americans die sicker and younger than any other race or ethnicity Resulting in higher rates of chronic diseases (heart disease, cancer, stroke, diabetes, etc.), adverse health outcomes, and mortality (LaVeist et al, 1995; Maryland Department of Health, 2024; Penner, 2023). However, when we stratify the data to Black aging Marylanders' low life expectancy (73) and poverty rate (16%), their quality of health and life data are even more disturbing (America's Health Ranking, 2020; Meyerson, 2022; U.S. Department of Health and Human Services, 2025).

Sharon Duncan Jones-Eversley, DrPH, MA
Professor Emeritus -Social Epidemiologist
SB1029 General Assembly Written Testimony
Judicial Proceeding Committee
Scheduled on March 11, 2025

While Maryland has made progress in addressing social determinants of health, we must elevate our efforts to target social determinants of death among our aging population, particularly those marginalized and the older Black population 60 and older. Social determinants of death are risk or protective factors, events, characteristics (e.g., individual, familial, cultural, social, generational, environmental, economics, and behavioral) that affect health, life expectancy, and death (Jones-Eversley et al., 2020).

However, health disparities are not the only inequities that Black Americans and their families experience in America and Maryland. Unfortunately, they face judicial inequities in probate court to obtain their inheritance (Kurniawan, 2022; O'Brien, 2024). SB 1029 is a much-needed, common-sense, equitable, and necessary update to the State of Maryland's legal obligation and moral responsibility to honor the lives and legacies of Maryland's aging population (McIntosh, 2024). It is unacceptable that any Marylanders' final probate wishes are overlooked, misinterpreted or overridden by unjust judicial discretion (Kurniawan, 2022; Garnar, 2024).

Senate Bill 1029 represents a vital opportunity for Maryland to ensure equitable and impartial judicial decision-making for all Marylanders.

I urge the committee to pass Senate Bill 1029 to empower Maryland's families to adhere to the true intentions of their deceased loved ones with dignity and justice (Crawford & Infanti, 2014; O'Brien, 2024).

Thank you for your time and consideration.

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Sharon Duncan Jones-Eversley, DrPH, MA
Professor Emeritus -Social Epidemiologist
SB1029 General Assembly Written Testimony
Judicial Proceeding Committee
Scheduled on March 11, 2025

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Sharon Duncan Jones-Eversley, DrPH, MA
Professor Emeritus -Social Epidemiologist
SB1029 General Assembly Written Testimony
Judicial Proceeding Committee
Scheduled on March11, 2025

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FAV

Uploaded by: Shavon L. Arline-Bradley

Position: FAV



Shavon L. Arline-Bradley
10105 Summer Glow Walk
Laurel, MD 20723

March 7, 2025

Judicial Proceedings Committee Chair
Annapolis, MD

Dear Judicial Proceedings Committee Chair, Vice Chair and members,

I am writing to you today as a proud Maryland voter. As a national leader of a Black Women's Civil Rights Organization, I urge your support for SB1029 Estates and Trusts - Interpretation of Wills - Extrinsic Evidence of Intent (Granny's Law).

I have been communicating with fellow Marylander Jennifer Johnson, and I believe that her grandmother, who influenced this law, would want this matter corrected and assurance that what happened to her estate never happens to anyone else in the State of Maryland.

I urge your committee's full support on SB1029 Estates and Trusts - Interpretation of Wills - Extrinsic Evidence of Intent (Granny's Law).

Sincerely,
Shavon L. Arline-Bradley

SB1029GrannysLaw TGD3.pdf

Uploaded by: Timothy Dingle-EI

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Support FAV

Timothy Dingle-El

Address: 1521 Appleton St. Baltimore, MD 21217

Email: Tgdingleel@gmail.com

Phone: 410- 370- 4615

March 7, 2025

Dear Chair Smith, Vice Chair Waldstreicher and Judicial Proceedings Committee Members,

My name is Timothy Dingle-El and I have known Jennifer Johnson almost my entire life; her family and my family have been close since we practically came out of the womb. Our grandmothers knew each other and I know Jennifer's grandmother would be super proud of her pursuing SB1029 Granny's Law and I ask for your committee's favorable support.

I lost my dad and my paternal grandfather both at the age of 57 from stomach cancer. They both lost their cancer battles at the same age and passed peacefully in the same house. I lost my sister to cancer she was diagnosed in childhood and died in her early 20s. My mother survived breast cancer in her 50s has had a double mastectomy and is now living a healthy life. My maternal grandfather died from cardiovascular related illnesses. My maternal great grandfather died of cancer. I am now married and my wife is a pancreatic cancer survivor and while she is now diabetic thank God she is overall in very good health.

My wife and I are intentional about eating healthy and exercising and trying to do our part to break generational disease cycles in our family. I watched Jennifer take excellent care of her Grandmother and as someone I consider my sister, I would trust her with my life and the lives of anyone I love. Jennifer is just that kind of person.

Again having personally known and loved Jennifer's grandmother and having the love and respect I have for Jennifer, I ask for your committee's favorable support for SB1029 Granny's Law. Those of us who are affected by health disparities know how badly these diseases are destroying the African American community and the toll these illnesses take on our families and caregivers and SB1029 Granny's Law will be one step in the right direction. Thank you for your time and consideration.

Sincerely Yours,

Timothy Dingle-El

Granny's Law SB1029 - Written Testimony Teye Nelso

Uploaded by: Teye Nelson

Position: FAV

Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

SB1029

Toye Nelson

7625 Bear Forest Road Hanover, MD 21076

griffin.toye@gmail.com

(443)956-4202

Support FAV

It is my honor to write this letter and share my testimony in support of SB1029, Granny's Law.

From 2008 to 2009, I endured excruciating pain and repeatedly sought answers and relief from my primary care physician. Despite my concerns, I was given a stress test, which came back normal. As my pain worsened, I pleaded for help, but after months without a diagnosis, my doctor handed me a bag of Cymbalta, advising me to start with 30 mg and increase to 60 mg if needed. In medical notes I later obtained, he labeled me as "psychosomatic," dismissing my pain rather than investigating its cause. I was listened to but not truly heard.

Frustrated and feeling unheard, I stopped seeking medical care for over a month—until my condition became unbearable. In May, I found a new primary care physician, and within a week, I was sent to the Hematology Building at Baltimore Washington Medical Center. Shortly after, I was diagnosed with stage 3B Hodgkin's Lymphoma.

I believe that Jennifer Johnson's grandmother's estate (funds) were bequeathed to directly impact minority health and health disparities. Sixteen years later, I now find myself advocating for my parents as they experience cognitive decline. The people they were when they wrote their will are not the same as they are today—life changes perspectives, preferences, and priorities. For instance, my outlook at 42 shifted when I became pregnant at 43, and now, as a parent to a two-year-old, my perspective continues to evolve. While education and resources are essential for informing citizens about wills, understanding the true intent behind a will is just as crucial. We must respect the wishes of the deceased and uphold the decisions made by the designated power of attorney. Still, I worry—no matter how carefully a will is written, I could one day find myself in Jennifer's position. I ask for full favorable support for SB 1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law).

Sincerely yours,

Toye Nelson

Toye Nelson

SB1029_ FAV_ Yvette Lankford.pdf

Uploaded by: Yvette Lankford

Position: FAV

SB1029 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Support FAV

Yvette Lankford

Address: 301 North Payson Street Apt. 2 Baltimore Maryland 21223

Email: divalankford@gmail.com

Phone: 410 831 4953

March 7, 2025

Dear Judicial Proceedings Committee Chair, Vice Chair and Members,

In January of 2024 my one and only child, Patrice was diagnosed with cancer. On May 22nd 2024 I woke up to the horror of losing my one and only child, my baby girl was only 43 years old and passed in her sleep. Jennifer Johnson and my daughter have been friends since high school, both graduates of one of the only all girl public schools left in our country Western Senior High School in Baltimore city.

Patrice passing away at 43 is not the way things were planned. She leaves behind my precious grandson. We lost Patrice's grandmother at the age of 53 to the same cancer. However, with technological advances, early screening etc. we did not expect to lose Patrice especially not so soon. In fact what happened to my child is the exact opposite of what any of us had ever hoped or imagined.

I would never ever have imagined that I would have to bury my only child. It is not the natural order of life. I am still grieving and trying to put the pieces of my life back together and trying to create a new normal for my grandchild.

SB1029 "Granny's Law" should be passed into Law and Jennifer's Grandmother, my child and all those caregivers and those suffering with health disparities should be honored and more targeted programming should be provided especially to our youth to hopefully prevent death in future generations in our communities. Jennifer took excellent care of her grandmother in life and continues to in death. Jennifer is one of very few people I trust with my grandsons care.

I ask the Judicial Proceedings Committee to unanimously favorably support Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law). Honor Jennifer's grandmother, my daughter and all of our caregivers and loved ones affected by health disparities.

Sincerely,

Yvette Lankford

ABR SB 1029 Unfavorable.pdf

Uploaded by: Alexis Burrell-Rohde

Position: UNF



ALEXIS BURRELL-ROHDE

REGISTER OF WILLS, BALTIMORE COUNTY
COUNTY COURTS BUILDING
MAIL STOP 3507
401 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-887-6680

registers.maryland.gov
FAX 410-583-2517

March 7, 2025

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

Oppose (Unfavorable) – SB 1029 – Estates and Trusts - Interpretation of Wills - Extrinsic Evidence of Intent (Granny's Law)

Dear Chair Smith and Committee Members:

My name is Alexis Burrell-Rohde. I am the Register of Wills for Baltimore County and President of the Register of Wills Association. I am submitting this written testimony and urge an unfavorable report from the committee on Senate Bill 1029 on behalf of Baltimore County and the Register of Wills Association.

Disparities in health outcomes based on race are real and well documented as I am sure you will hear from the bill sponsors. Passing this bill will not address these issues but instead will only serve to address the grievances of a single individual and upend centuries of settled case law dealing with the administration of estates. This would create chaos and uncertainty with estate administration and the interpretation of wills.

Instead, the issue raised with this estate which is at the heart of this constituent's motivation for this legislation, stems with an issue I believe, resulted from a drafting attorney who may not have fully explained the estate administration process to his client. I believe the real issue here is the racial disparities in access to effective legal services. I have worked on this issue for my entire time in office through outreach efforts and policy changes.

In this estate, the will could have been drafted to ensure that the gifts to charity were earmarked for programs focused on eliminating health disparities based on race. Instead, the will (attached) were general gifts to charity. Ms. Johnson, the personal representative, refused to make distributions according to the will and the orphans' court was contacted by the charities. The drafting of the will and lack of effective counsel was the real cause of this family's heartache.

This bill is highly problematic for many reasons, including:

1. Section (a)(2) is incorrect as a matter of law. The authority to act as someone's power of attorney ends at death as a matter of law. Thus, there can be no "personal representative who has power of attorney." Also, a personal representative does not "administer a will," instead, a personal representative administers an estate. Section (a)(2)(III).

2. The law permits a personal representative to deviate from a testator's express instructions in a will. In other words, it would permit a personal representative's judgment to supersede the terms of a valid will. This is highly problematic – people draft wills precisely because they want their wishes to be carried out after their death. This law would permit the personal representative notations of what a testator may have wanted in place of what the testator actually stated in a valid will. If a testator wanted to alter his or her will, they could write a new will with new provisions or instructions.

3. The law is extremely specific and aims to address the grievances of a single individual and upend centuries of settled case law dealing with the administration of estates. This would create chaos and uncertainty with estate administration and the interpretation of wills.

The State should address issues in health disparities, but this legislation is not an effective way to do this. I respectfully recommend an unfavorable report on Senate Bill 1029 and appreciate the Committee's thoughtful attention.

Best regards,

Alexis Burrell-Rohde

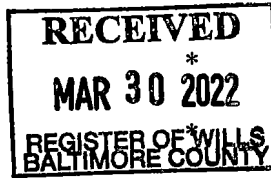
Alexis Burrell-Rohde
Register of Wills
Baltimore County

Filing by NAMI.pdf

Uploaded by: Alexis Burrell-Rohde

Position: UNF

IN THE ESTATE OF
SYLVIA H. JOHNSON



IN THE ORPHANS' COURT
FOR BALTIMORE COUNTY, MARYLAND

* ESTATE NO. 208430

* * * * *

MEMORANDUM IN SUPPORT OF THE SHOW CAUSE ORDER FOR REMOVAL

COMES NOW, NAMI Maryland, Inc., The American Heart Association, The American Cancer Society, and The Alzheimer's Association, Interested Persons of the Estate of Sylvia H. Johnson (collectively, the "Petitioners"), by and through their attorneys, Renee B. Sullivan, Brian S. Burkett, Samuel C. Draper, and Council, Baradel, Kosmerl & Nolan, P.A., to provide this Memorandum in Support of the Show Cause Order for Removal ("Memorandum") and state as follows:

FACTS

1. On August 21, 2017, Sylvia H. Johnson executed a Last Will and Testament ("Will").
2. The Will directs the Personal Representative to make the following distributions:
 - "Section A. Five percent (5%) unto each (for a total of twenty percent of the total rest, residue and remainder of my estate) of the four (4) following named charitable organizations", namely The American Heart Association, the American Cancer Society, the Alzheimer's Association and the Alliance for the Mentally Ill of Maryland, Inc....
 - Section B. Fifty percent (50%) unto my granddaughter, Jennifer E. Johnson...
 - Section C. Thirty percent (30%) unto my friend, Michael T. Pratt"
3. On February 2, 2020, Sylvia H. Johnson ("the Decedent") departed this life, testate, a resident of Baltimore County, Maryland.

#57

4. Jennifer Johnson, granddaughter of the Decedent, and Michael T. Pratt, friend of the Decedent, were named as co-Personal Representatives in the Will.

5. On June 26, 2020, Jennifer Johnson (“Jennifer”) filed a Petition for Administration with the Orphans’ Court for Baltimore County, Maryland.

6. Jennifer was subsequently appointed the Personal Representative of the Estate of Sylvia H. Johnson (“Estate”) and the Decedent’s Will was admitted to probate.

7. On October 29, 2020, Jennifer filed an Inventory and Information Report with the Court.

8. The Inventory reported the total value of the probate estate to be \$2,448,170.31, consisting of the following assets:

- a. Real Property ground rents totaling \$14,600.00;
- b. M&T Checking and Savings Accounts totaling \$24,327.01; and
- c. Stock, Brokerage and Investment Accounts, a Life Insurance Policy, and an Annuity totaling \$2,409,243.30.

9. On February 12, 2021, Jennifer filed an Amended and Supplemental Inventory.

10. The Amended and Supplemental Inventory reported the total value of the probate estate to be \$2,067,780.33, consisting of the following assets:

- a. Real Property ground rents totaling \$14,600.00;
- b. M&T Checking and Savings Accounts and Discover Bank CD totaling \$34,752.79;
and
- c. Stock, Brokerage and Investment Accounts, a Life Insurance Policy, and Annuities totaling \$2,018,427.54

11. On February 22, 2021, Jennifer filed a Petition for Personal Representative's Commissions in the amount of \$25,000.00, which was approved by the Court and reflected as an expense on the Amended First Interim Account.

12. On March 23, 2021, Jennifer filed an Amended First Interim Account reflecting an ending balance of \$2,118,583.47, which was approved by this Court.

13. On April 22, 2021, Jennifer, through her counsel, Alex R. Housley, Esquire, filed a Notice of Proposed Payment in which she proposed paying herself, individually, \$1,995,084.00 ("Claim Amount") for "outstanding debt owed for care-taking of the decedent[.]"

14. An exception was filed by the undersigned attorneys on May 12, 2021 in which it was requested that the Claim Amount be denied because of Jennifer's failure to provide reasonable detail for the basis of her request. (See Docket # 29 for a more in-depth explanation as why the Claim should have been denied).

15. The Court subsequently scheduled a Hearing for July 21, 2021 which was cancelled by the Court when Jennifer withdrew her Notice of Proposed Payment on July 9, 2021.

16. Jennifer sent a letter to Council Baradel (Attached as **Exhibit A** and referred to as "the Letter"), which was then forwarded to the Petitioners by the undersigned. The Letter is Jennifer's response to the exceptions noted in the May 12, 2021 exception filed by the undersigned.

17. The Letter contains the following statements, quoted in part below:

- a. "[M]y grandmother definitely expected me to pay myself and would have had it no other way.";
- b. "I don't have to supply you with a copy of lost wages[.]";
- c. "[I]f my grandmother was alive trust and believe she would not give you anything especially after you responded in the manner in which you did with your entry to

the courts. I am being far kinder to your organizations then they have been to me or to my deceased grandmother Additionally, please draw your attention to the will Item 8, which starts at the bottom of page 1 and continues to page 2 where it clearly states among many [sic] other things (f) that the personal representative has the power to do any and all things necessary and proper to complete the administration of my estate all as fully as I could do if living.”;

- d. “Now I reiterate the fact that if my grandmother was alive your charities would not be getting anything, again I am being nice.”;
- e. “It would behoove you to withdraw your entry to the courts before I along with numerous friends and family do detrimental damage to your organization’s reputations and financial streams of donations.”; and
- f. “I further promise if you want to pursue this matter further I will have an internal campaign run that will further take donors from all 3 of your organizations.”

18. The Letter was signed by Jennifer in her capacity as Personal Representative of the Estate.

19. Additionally, note that the Letter was accompanied by “letters of reference” that are not included in the attached letter.

20. On October 14, 2021, Jennifer filed a Second Interim Account in which she reflected that she, as the Personal Representative of the Estate, made an in-kind distribution of stock to herself, as a beneficiary, in the amount of \$52,638.44, and an ending balance of \$2,046,240.07.

21. No distributions have been made to the remaining beneficiaries to date.

22. On December 6, 2021, Jennifer filed a correspondence, along with attachments, to the Court (Docket # 48).

23. The correspondence from the Personal Representative, in relevant part, contains the following statements quoted in part below:

- a. “Alex Housley, the lawyer I am currently working with . . . I have tried to work with him and honestly do not understand his directions[.]”;
- b. “I have reached out to a few other attorneys but no one to date will take the case”;
- c. “I would like to make this a much more suitable situation for me”;
- d. “I would like whatever money goes to the charities to either go to specific individuals that need help”; and
- e. “It would be nice if [my best friend fighting cancer] could somehow get blessed out of whatever money is going to the American cancer society.”

24. As a result of the correspondence filed, this Court ordered a status hearing be scheduled.

25. On January 28, 2022, a status hearing was held before the Honorable Judge Juliet Fisher.

26. As a result of the hearing, the Court issued a Show Cause Order for Removal directing the Personal Representative to show cause, in writing, on or before April 1, 2022, why the Court should not terminate her appointment.

27. Upon information and belief, Jennifer does not have legal representation at this time.

28. The Petitioners file this Memorandum in support of the removal of Jennifer Johnson as Personal Representative of the Estate.

LAW GOVERNING THE REMOVAL OF A PERSONAL REPRESENTATIVE

29. Md. Code Ann. Est & Trusts §7-101 states in relevant part:

- (a)(1) A personal representative is:
 - (i) A fiduciary; and
 - (ii) Under a general duty to settle and distribute the estate of the decedent in accordance with the terms of the will and the estates of decedents law as expeditiously and with as little sacrifice of value as is reasonable under the circumstances.
- (2) A personal representative shall use the authority conferred on the personal representative by:
 - (i) The estates of decedents law;
 - (ii) The terms of the will;
 - (iii) Orders in proceedings to which the personal representative is a party; and
 - (iv) The equitable principles generally applicable to fiduciaries, fairly considering the interests of all interested persons and creditors.
- (b) Unless the time of distribution is extended by order of court for good cause shown, the personal representative shall distribute all the assets of the estate of which the personal representative has taken possession or control within the time provided in § 7-305 of this title for rendering the first account.

30. Further, if a Personal Representative exercises his or her power contrary to the provisions of the Will, there may be a breach of the fiduciary duty. Md. Code Ann. Est & Trusts. § 7-403.

31. § 6-306(a) of the Maryland Estates & Trusts Articles states:

- (a) A personal representative shall be removed from office on a finding by the court that the personal representative:
 - (1) Misrepresented material facts in the proceedings leading to the personal representative's appointment;
 - (2) Willfully disregarded an order of the court;

- (3) Is unable or incapable, with or without the personal representative's own fault, to discharge the personal representative's duties and powers effectively;
- (4) Has mismanaged property;
- (5) Has failed to maintain on file with the register a currently effective designation of an appropriate local agent for service of process as described in §5-105(c)(6) of this article; or
- (6) Has failed, without reasonable excuse, to perform a material duty pertaining to the office.

32. Where any of the causes named above are found, after notice and hearing, removal of the Personal Representative is mandatory. *Richards v. Richards*, 27 Md. App. 1 (1975).

33. A Personal Representative may also be removed for conduct amounting to fraud, bad faith, collusion, breach of trust, or prejudice to the estate. *Smith v. Waller*, 225 Md. 94 (1961).

JENNIFER'S FAILURE TO ADMINISTER THE ESTATE

34. The Petitioners hereby restate and incorporate herein, all previous paragraphs in the "Facts" and "Law Governing the Removal of a Personal Representative" sections above.

35. Jennifer, as Personal Representative of the Estate, has a legal and fiduciary duty to administer the Estate pursuant to the terms of the Will.

36. In a direct breach of her fiduciary duty, Jennifer has, thus far, failed to administer the Estate pursuant to the terms of the Will and has, in the alternative, taken actions as the Personal Representative of the Estate that benefit only herself in her individual capacity.

37. For that reason, the Petitioners are in support of removing Jennifer as Personal Representative of the Estate.

38. Jennifer is unable or incapable, with or without the personal representative's own fault, to discharge the personal representative's duties and powers effectively.

39. Jennifer has shown she will act in her own personal interests and in ways which are prejudicial to the Estate. This is evidenced both by the Notice of Proposed Payment noted in Paragraph 13 above, quotes from the Letter received from Jennifer in her capacity as Personal Representative indicated in Paragraph 17, and the aforementioned correspondence detailed in paragraph 23.

40. Jennifer has breached, and shown she likely will breach, her fiduciary duty by not distributing or restricting the distributions pursuant to the terms of the Will.

41. In the alternative, Jennifer has shown that it is her intent to alter the terms of the Will and distribute the assets of the Estate as she deems appropriate.

42. While the Petitioners have requested that the Personal Representative make an early distribution, to date, no distributions have been made, even though the Personal Representative has reflected an early distribution to herself, no claims have been filed against the Estate, and the Estate has been opened for over a year and a half.

43. The Petitioners are concerned that Jennifer will continue to act in her own personal interest, at the expense of the Estate and against the testamentary intent of the Decedent as stated in her Will, if she is permitted to remain the Personal Representative of the Estate.

44. The Letter and the December 6, 2021 correspondence provided to the Court confirms that Jennifer believes that as Personal Representative she can make distributions from the Decedent's Estate at her own personal discretion, rather than follow the terms of the Will.

45. Additionally, rather than permitting the American Cancer Society to use funds directed to it for research as stated within Item # 6, Section A. subsection 2 of the Will, Jennifer would like to divert those funds to her friend.

46. The Will authorizes the Personal Representative to utilize the services of an attorney, accountant and any other professional as may be necessary in the administration of the Will.

47. Jennifer previously retained counsel to represent her in her capacity as Personal Representative and to aid in the administration of the Estate, but has since not followed her counsel's instructions, and has acted in direct contravention of her counsel's advice and in contrast to the terms of the Will.

48. Jennifer has made clear that she lacks the ability to properly, timely, and efficiently file Tax Returns and Court filings, and discharge her duties as Personal Representative, without assistance from counsel.

49. Jennifer's actions reflect adversely on her honesty, trustworthiness, and/or fitness to perform the duties of a Personal Representative.

50. Given the previously noted actions of Jennifer, Petitioners believe that Jennifer is unable and incapable to discharge her duties and powers effectively.

51. It follows that in the interest of justice, the Petitioners support the removal of Jennifer Johnson as Personal Representative of the Estate in order to protect and preserve the assets of the Estate.

SPECIFIC RELIEF REQUESTED

52. On the Amended First Account, Jennifer took Personal Representative's Commissions in the amount of \$25,000.00 for reasonable compensation for services. If Jennifer is removed as Personal Representative for not properly performing her duties, the Petitioners request that the \$25,000.00 be reflected as an outright distribution to Jennifer, rather than a Personal Representative Commission.

53. Petitioners support the removal of Jennifer as Personal Representative, however, if this Court determines that it is in the best interest of the Estate for her to remain serving as Personal Representative, the Petitioners request the following:

a. The bond of the Estate be increased to cover the assets of the Estate.

b. An early distribution be made to the Petitioners within thirty (30) days of the date of the Order to Remove in the amount of \$90,000 to each of the four Petitioners. The current balance of the Estate assets as of the Second Interim Account is \$2,046,240.07. Twenty Percent (20%) of the balance is \$409,248.01, and Five Percent (5%) is \$102,312.00. An early distribution of \$90,000 to each of the four Petitioners would allow sufficient funds to cover Estate expenses.

c. A disinterested Court-appointed attorney be appointed as a Co-Personal Representative. The Petitioners recommend Coryn Rosenstock, Esquire, a Director at Frost Law.

WHEREFORE, the Petitioners respectfully request that this Honorable Court issue an Order:

- A. Revoking the Letters of Administration granted to Jennifer Johnson;
- B. Removing Jennifer Johnson as Personal Representative of the Estate of Sylvia H. Johnson;
- C. Appointing a disinterested Maryland attorney to serve as Personal Representative;
- D. In the alternative, appointing a disinterested Maryland attorney to serve as co-Personal Representative with Jennifer Johnson;
- E. In the alternative, increasing the bond filed in the Estate to cover all estate assets;

F. Directing the Personal Representative, or co-Personal Representatives, to make an early distribution of \$90,000 from Estate assets to each Petitioner within thirty (30) days of the date of the Order to Remove;

G. Directing the Personal Representative, or co-Personal Representatives, to amend the Amended First Account to reflect the \$25,000 Personal Representative Commissions as an outright distribution to Jennifer Johnson; and

H. Providing any further relief that this Court deems appropriate.

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Respectfully submitted,

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

Date: March 29, 2022

By: Brian S. Burkett (sco)

Renee B. Sullivan, Esquire

CPF/AIS#: 1412170298

Brian S. Burkett, Esquire

CPF/AIS #: 1712130071

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Sullivan@councilbaradel.com

Burkett@councilbaradel.com

Draper@councilbaradel.com

Counsel for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2022, a copy of the foregoing was mailed first-class, postage prepaid to all interested persons and creditors (if applicable) as follows:

Jennifer Johnson, Personal Representative

8666 Side Saddle Court

Randallstown, Maryland 21133

Personal Representative

Michael Pratt

719 Silver Creek Road

Pikesville, Maryland 21208

Interested Person

Brian S. Burkett (sco)

Brian S. Burkett

So first let me be really clear, you will address my deceased grandmother as Ms. Sylvia H. Johnson, as she did not allow anyone to address her in any other fashion in life, so we will not start doing it in her death and secondly you can decide how you best want to move forward after you read this. But I thank you so very much for cutting off all future donations from my black family for not 1, 2 but 3 organizations that you are representing to which every person in my family has given generously in the past.

I will address some of your entry to the courts but not all, we will start at number 15 below as all entries prior to number 15 only list out the general timeline of events for this being processed and are your attempts to pad your entry to the courts and provide no real value. Anything that was submitted to the courts and all mailings were done by my attorney's office and were filed and mailed in the allowable timeframes. Additionally your timeline failed to take into account a very serious matter which has affected the world, my family is not immune to that nor are my friends, and that is the pandemic and COVID19.

15 The personal representative failed to provide reasonable detail for the basis of her request for payment in the notice and as much the notice must be denied

My response to your 15: That is your opinion. I provided a high level overview and anything else is honestly none of your business some things are personal and private and out of respect for my grandmother and myself, I have given enough information for you to clearly see it was a very horrific experience and it is a miracle my grandmother survived as long as she did and lived as well as she did. Five management changes for any organization is very extreme and chaotic for all parties involved in less than five years.

16 The notice does not provide reasonable detail of when Ms. Johnson provided care for her grandmother. The only

timeframe referenced by the notice merely states that Ms. Johnson cared for her grandmother "prior to death" of the decedent beginning in 2016 until the day she passed away. Any professional care giver would have kept records of the work performed and the dates performed. Ms. Johnson did not present any such information.

My response to your 16: This again is your opinion as you can clearly see I don't claim to be "professional", I just did my duties with excellence and effectiveness as you will see from now 16 letters of character reference from people who were extremely close to the situation. Furthermore I also stated in my original message to the courts, I could gladly provide upon request 400 emails and then 2 letters of reference (that number has grown to now 16 and I can get more) that give much more of the detail you are looking for and capture dates and times, but keep reading at this point I will not be supplying you with these.

17 Ms. Johnson states that at no point did my grandmother expect me to take on this role for many years without being compensated. Ms. Johnson did not substantiate this statement with any supporting documentation she did not attach invoices, evidence of prior payments made by decedent during her lifetime, a formal contract or an informal written agreement showing the decedent intended to pay Ms. Johnson for care provided

My response to your 17: This again is your opinion and I do not have to provide you with invoices, etc. I clearly shared with you I not only did my job but the jobs of at minimum 5 other people and saved my grandmother from any harsh damage or cruel demise. Also, my grandmother definitely expected me to pay myself and would have had it no other way.

18 Ms. Johnson did not attach any evidence of lost wages that she incurred as a result of caring for her grandmother

My response to your 18: You are correct and I don't have to supply you with a copy of lost wages, just as you do not have to show me your hourly rate which is likely on the low end \$125 per hour but more likely is \$300- \$700 an hour. Yes these are the going hourly rates for lawyers in the state of Maryland.

19 Although the beneficiaries sympathies are with the family of the decedent for their loss and have no doubt Ms. Johnson may have provided assistance to her grandmother in her elderly years, the claim amount is unreasonable and should not be approved by this honorable court

My response to your 19: Your sympathy is masked by your lack of compassion, your nasty reply picking apart the very life and eventual death of the woman who was kind enough to want to leave anything to your organizations. Your sympathy is further masked by the lack of even a basic thank you from any of your charities even being included in the will in your entry to the courts. Your sympathy is further masked by the very late arrival of any sympathy cards from the Alzheimer's Association or American Cancer Society, as my grandmother died on February 2nd of 2020 and the only sympathy cards from Alzheimer's Association and American Cancer Society came within the month of April and May of 2021. Also it is masked by the fact your sympathy is not mentioned until number 19 out of 25 in your entry to the courts. Also, the sympathy cards came only after failed attempts to "get the money" from my lawyer and very pushy emails to my lawyers office and finally my paralegal saying the truth which was their firms client was very upset at the way your "charities" had handled things and the fact you did not express any condolences. Your sympathy is further masked by the American Heart Association, being part of your entry to the courts as they already received \$30,000 from my grandmother's death. Your entry to the courts honestly makes me wonder if Jeff Mueller, Advisor, Charitable Estate Planning for the American Heart Association is even aware of

you representing his organization in this matter as he really seemed to have a genuine liking for my grandmother. Yet since he failed to respond to a recent email I sent him regarding this matter, it indicates to me he was likely well aware.

20 Based on the numbers provided by Ms. Johnson in the notice and while giving Ms. Johnson the benefit of the doubt that she worked for her grandmother starting January 1, 2016 until her death on February 2, 2020, Ms. Johnson is claiming that she is entitled to repayment of \$40,716.00 per month or \$9,370.00 per week during the year to care for her grandmother. At her requested rate of \$50.75 per hour this would mean that Ms. Johnson worked about 184.5 hours per week. The problem here is that only 168 hours exist in a week. The claim amount that Ms. Johnson has requested at her rate of 50.75 per hour is illogical and therefore must be denied.

My response to your 20: Check your math it is wrong, however I don't care and I know for a fact my deceased grandmother would definitely not care what is illogical to you in this situation. I could also say that it is illogical for a lawyer such as yourself to be representing charities in the manner you do and yet seemingly have no tact or compassion and in fact represent everything that is the antonym of anything closely resembling a charity. Additionally, I could say lawyer's fees of \$300 plus dollars an hour are illogical. I could further say that it is illogical for anyone not to say thank you if someone gives you \$1 but instead you give them thousands of dollars and they don't say thank you but rather say "it is illogical that you didn't give us more and you must deny yourself any payment for all the work you did and you must give us more."

21 the typical salary range for caregivers in Maryland is between \$13 and \$20 per hour depending on certifications, qualifications and experience. Ms. Johnson states her rate is \$50.75 per hour yet has presented no certifications,

Qualifications, or experience that would justify her above average rate

My response to your 21: You are somewhat correct but those people who get paid \$13-\$20 an hour also most times do not do their jobs, hence why many family members such as myself have to stand in the gap and take care of their loved ones, while many others just completely walk away leaving their loved ones to die cold miserable lonely harsh cruel deaths. Absolutely no one should die alone. As for my credentials and certifications and qualifications, I have a Bachelor of Science Degree in Chemistry and an MBA from one of the best business schools in the country for operations management hence why I get oxygen management and process. Also if you do the math $\$13 \times 5 = \65 my rate is \$50.75 I have already discounted my rate. I have given more then enough.

22 The decedent was also living in a facility during the time period for which Ms. Johnson claims she should be compensated. Ms. Johnson even sates in the notice that she hired additional "sitter" to care for her grandmother. It is unreasonable to think that in addition to the professional care provided by the assisted living facility and an additional sitter Ms. Johnson is owed \$488, 592.00 per year for additional care that she provided to the decedent during her lifetime. While it is an unfortunate situation that Ms. Johnson seemed to be unhappy with the quality of care provided by the assisted living facility, this does not mean that she is entitled to retroactively take a such unreasonable payment

My response to your 22: First and foremost your math is wrong. However, this overall statement is again your opinion and further the situation was very extreme and many people's loved ones were harmed to the point of death. It did not happen to my grandmother because I actively took excellent care of her.

23 The descriptions of the duties or task performed by Ms Johnson do not qualify for reimbursement. Many of these tasks and chores were taken on to help her elderly grandmother and were not professional services that should now considered a debt of the decedent prior to her death. Many of these task that Ms. Johnson lists in the notice to the attached letter for which she is now seeking payment, are not things that anyone would typically seek payment for, such as planning birthday parties, attending family gatherings, asking friends and family to send messages or love and flowers, interior designing living space, and providing weekly floral arrangements. The nature of the tasks coupled with the fact that Ms. Johnson has produced no evidence that the decedent had ever paid Ms. Johnson for these tasks while she was alive, must lead to a denial of the notice

My response to your 23: Again this is your opinion but if you ever cared for anyone you would know ones mental health is very important and is strengthened by things such as keeping a clean home, having flowers and celebrating life. If I outsourced these items I most certainly would have had to pay even more and likely would have not had as good an end product. Additionally, all of these things are very normal to provide to ones loved one and there are tons of professional party planners, I actually work with a few; as for transportation there are certainly professional drivers and car services, there are also professional interior designers and design firms and there are tons of online and free standing floral shops. Also, I believe strongly in giving people their flowers while they are here on earth and able to enjoy them, not when they are deceased.

25 because the personal representative failed to provide reasonable detail for the basis of her request for payment in the notice outlined above the notice of proposed payment for personal representative in the amount of \$1,995, 084 should be denied.

My response to your 25: Again this is your opinion, but if my grandmother was alive trust and believe she would not give you anything especially after you responded in the manner in which you did with your entry to the courts. I am being far kinder to your organizations then they have been to me or to my deceased grandmother and to my family as a whole as we have all previously contributed generously to all 3 organizations you represent through our time as volunteers and through financial contributions. Additionally, please draw your attention to the will Item 8, which starts at the bottom of page 1 and continues to page 2 where it clearly states among many other things (f) that the personal representative has the power to do any and all things necessary and proper to complete the administration of my estate all as fully as I could do if living. Now I reiterate the fact that if my grandmother was alive your charities would not be getting anything, again I am being nice.

In Closing

It would behoove you to withdraw your entry to the courts before I along with numerous friends and family do detrimental damage to your organization's reputations and financial streams of donations. However, if you want to argue or pursue or protest that language mentioned in my response to your number 25, that is your right. But I will ensure that all of my friends and family never donate another dollar to any of the charities you represent, and I will ensure they post a social media campaign that encourages other people in their networks to also not donate any money ever again to the charities you represent. Let me indicate, what that network of friends and family look like, some are old and will pass soon and may or may not have your charities listed in their wills, I know for a fact some do. I will ensure they remove your charities and give those funds to other organizations. My network is inclusive of blacks, whites, many are Jewish as I grew up in a predominantly Jewish neighborhood and Asian and many others are international in their origin. Some are church and

some are not, if you read my initial claim, you will see I took my grandmother to church, that is 3 congregations your organizations stand to lose support from as many remember me bringing my grandmother to church and would gladly support my efforts as there are other organizations that will gladly accept any donation. Additionally, things work fast in social media and this would quickly reach several thousand followers and go "viral" very easily.

Additionally, since you chose to respond the way you did, let me be clear no one in my family will give any of the organizations you represent another dime, dollar, volunteer hour or anything else for that matter. So you lost 1 millionaire donor that in fact had been to numerous American Heart Association balls and was likely going to follow in my grandmother's footsteps and be a future donor and attendee because their overall cause is dear to me, but you blocked that opportunity. You also lost someone who has generously given to all of your organizations in the past. Additionally not only did you lose 1 millionaire donor, what I promise and I always keep my promises is that you have now lost several others. Additionally, connections matter right, well I belong to one of the largest predominantly African American Sororities in this world with over 300,000 college educated women and our parent organization has 2.5 million male and female college educated members and growing, I further promise if you want to pursue this matter further I will have an internal campaign run that will further take donors from all 3 of your organizations. Also, I can't control how other people will run their mouths so I can't tell you the number of other donors your organizations will lose. I can only tell you that my friends and family are very well connected and compassionate and charitable givers and what the loss would look like for your organizations would make a very significant impact.

So, I will have the checks cut and have some verbiage for your organizations to sign left at my lawyer's office for you to pickup

EXHIBIT A

any business day after June 19, 2021. I do sincerely hope we have all learned a valuable lesson here, as I believe we can all learn from one another whether we are rich or poor black or white female or male old or young we are all 1st and foremost human and should treat each other with respect, when someone gives you a gift even if it is \$1 you should receive it and say thank you. When someone dies you should acknowledge that person's death and express sincere condolences in a timely fashion and not just so you can collect what you think you are owed. And if someone ever shares with you the trauma their deceased loved one went through you should respect it, say you are so sorry you went through all of that and say thank you for the donation instead of trying to discount their experience and pick it apart.

Additionally, I politely request that the funds for each of your organizations be split into equal amounts and given to two local black females that are in need of assistance from your charities. One of the ladies should be from the Annapolis Maryland area as that is where my grandmother was born and raised and one from the Baltimore Metropolitan Area, where my grandmother spent most of her adult life. I also request that all the funds for the American Cancer Society go directly to a single mother, in the Baltimore area, currently battling cancer yet stepped outside of herself and showed compassion and helped in the care of my grandmother, her name is Kimberly Ringgold and her contact information is enclosed in one of the attached letters of character reference. See when she called the American Cancer society trying to get help, she was told they do not have a list or anyway to directly get funds to people like her that are in need.

Sincerely,

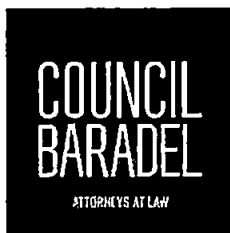
Ms. Jennifer Johnson
Personal representative for Ms. Sylvia H. Johnson

EXHIBIT A

S Johnson Letter to PR.pdf

Uploaded by: Alexis Burrell-Rohde

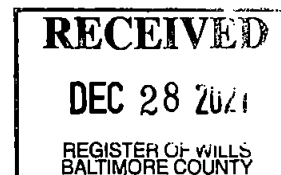
Position: UNF



RENEE B. SULLIVAN
Email: Sullivan@CouncilBaradel.com
Telephone: (410) 268-6600 Ex. 3454

December 23, 2021

Jennifer Johnson, Personal Representative
8666 Side Saddle Court
Randallstown, Maryland 21133



Re: Estate of Sylvia H. Johnson
Estate No. 208430
CB File Number: 23844.01

Dear Ms. Johnson:

As you are aware, this Firm represents the American Cancer Society, the American Heart Association, the Alzheimer's Association, and NAMI Maryland (collectively, the "Charities"), with regard to the Estate of Sylvia H. Johnson ("Estate"). This correspondence seeks to address the following issues:

1. Request for Distributions to the Charities

The Second and Not Final Account filed with the Register of Wills on October 14, 2021, reflects that you made an in-kind distribution to yourself as a beneficiary of the Estate, in the amount of \$52,638.44. The Second and Not Final Account also reflects that there is \$1,943,329.04 in assets retained for the final distribution. This Estate has been open since June of 2020 and the Charities have not received any distributions to date.

As the appointed Personal Representative, you are a fiduciary of the Estate and, as such, you are under a legal duty to settle and distribute the Estate in accordance with the terms of the will and the law as expeditiously and with as little sacrifice of value as is reasonable under the circumstances. *Md. Code, Estates and Trusts, §7-101*. Sylvia H. Johnson's Last Will and Testament, dated August 21, 2017 ("Will"), probated by the Register of Wills, states that Five Percent (for a total of Twenty Percent) of the rest, residue, and remainder of the decedent's Estate shall be distributed unto each of the four Charities. *Item #6, Section A*.

There are no outstanding claims against the Estate reflected on the docket and your Notice of Proposed Payment to Personal Representative has been withdrawn. Your letter to Judge Fisher, dated December 3, 2021 ("Letter"), states that you are working to file the required tax returns for the Estate. With the understanding that you will need to reserve a certain amount of Estate assets to pay any required taxes owed as well as CPA fees, the Charities request that you make an early distribution to the Charities from the Estate at this time.

125 West Street, 4th Floor, Annapolis, Maryland 21401
T 410-268-6600 F 410-269-8409 CouncilBaradel.com

#53



Please notify me regarding when the Charities can expect to receive a distribution from the Estate, and the amount of each distribution.

2. Clarification of Your Letter to Judge Fisher, dated December 3, 2021

Your recent Letter to Judge Fisher implies that you believe that you have the ability to distribute the decedent's Estate in a manner you deem personally appropriate, instead of in accordance with the terms of the Will. This is highly concerning to the Charities for the reasons set forth below.

First, it is unclear from your letter, as well as your prior filings and correspondence, whether you intend to make distributions to the named Charities in the decedent's Will at all. In your Letter, you state, "...I would like to make this a much more suitable situation for me and much more specific and directly impactful blessing for whatever goes to charity." Your Letter also states that you were advised by your prior counsel, Mr. Housley, to distribute the Estate in accordance with Item #6 of the Will, but that you "...honestly do not understand his directions..."

Your Letter also implies that you believe, or previously believed, that Item #8 of the Will allows you to make distributions from the decedent's Estate at your own discretion, rather than in accordance with Item #6. While Item #8 gives the Personal Representative the ability to manage the assets of the Estate in a certain manner, Item #8 does not allow the Personal Representative to make distributions from the Estate as he or she deems personally appropriate. The language of the Will speaks for itself, and must be followed, whether you agree with it or not.

Please confirm that the Charities will each receive Five Percent of the decedent's residuary Estate, in accordance with the terms of the Will.

Second, the Charities are concerned that for any distributions made to the Charities, you will attempt to place certain restrictions on the use of such distributions. In your Letter, you state, "Because I am African American and I am sensitive to racial injustices in this country and the help that many African American and minority women could use especially in this season, I would like whatever money goes to the charities to either go to specific individuals that need help and/or the money to go to support existing programs specific to this demographic."



Jennifer Johnson, Personal Representative
CB File Number: 23844.01

Page 3
December 23, 2021

The law does not allow the Personal Representative to interject his or her own restrictions as to how a distribution is to be used by a beneficiary, absent clear language in a will. Regardless of what the decedent may have told you verbally before her passing, the Estate must be distributed in accordance with the decedent's Will or otherwise in accordance with Maryland law. The only stipulation in the decedent's Will for the distributions made to the American Heart Association, the American Cancer Society, and the Alzheimer's Association is that the distributions be used "for research." *Item #6, Section A*. No such restriction was included for the distribution to NAMI Maryland.

Please confirm your understanding that no restrictions, beyond what is included in the terms of the Will, can be imposed on the distributions made to the Charities.

Thank you for your attention to this matter. I look forward to your concise and prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee B. Sullivan", with a long horizontal flourish extending to the right.

Renee B. Sullivan

cc: Register of Wills for Baltimore County, Maryland
Lacy Chaffin, Esq. (Via Email Only)
Andrew Fussner, Esq. (Via Email Only)
Michael Saenz, Esq. (Via Email Only)
Beverly Halloran, Esq. (Via Email Only)
Kate Farinholt, Executive Director (Via Email Only)

Sylvia Johnson Will.pdf

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Position: UNF

LAST WILL AND TESTAMENT

OF

SYLVIA H. JOHNSON

I, **SYLVIA H. JOHNSON** of Room B-4 – Copper Ridge Rehabilitation Center, 710 Obrecht Road, Sykesville, Carroll County, Maryland 21784, being of full age, sound mind and memory and under no restraint, I do make, publish and declare this instrument to be my Last Will and Testament and hereby revoke that Last Will and Testament dated April 7, 2013, and any other Will and Codicil ever before made by me.

ITEM # 1

I direct my Personal Representative to pay all of the expenses of my last illness, of my funeral and burial, including any grave site markers, **memorial service, food and beverages related to bringing together my family and friends for a wake or pre-funeral or post-funeral gathering or meal, and any other reasonable expenses authorized by my Last Will and Testament**, without regard to any limitation in the applicable local law as to the amount of such expenses and of the administration of my estate and without adjudication, order or direction of the court. I further direct that my remains be cremated and placed in my existing mausoleum site at the Woodlawn Chapel Mausoleum of 2130 Woodlawn Drive, Baltimore, Maryland 21207.

ITEM # 2

I direct my Personal Representative to pay all inheritance, transfer, estate and similar taxes (including interest and penalties) assessed or payable by reason of my death on any property or interest in property which is included in my estate for the purpose of computing taxes. My Personal Representative shall not require any beneficiary under this Will to reimburse my estate for taxes paid on property passing under the terms of this Will.

ITEM # 3

I hereby authorize my Personal Representative to utilize the services of an attorney, accountant and any other professional as may be necessary in the administration of this my Last Will and Testament. The expenses incurred by the Personal Representative using such professional services shall be an expense to my estate and shall be paid by my estate.

ITEM # 4

My Personal Representative named herein shall be entitled to reasonable compensation commensurate with the services actually performed and to reimbursement for expenses properly incurred.

ITEM # 5

With the exception of any automobile owned by me at the time of my death, I give, devise and bequeath all of my tangible personal property of domestic or personal use, together with all insurance policies thereon unto my granddaughter, JENNIFER E. JOHNSON and my friend, MICHAEL T. PRATT. JENNIFER E. JOHNSON and MICHAEL T. PRATT shall select for themselves which items each of them would like to have. In the event that JENNIFER E. JOHNSON and MICHAEL T. PRATT elect to receive the same item(s) of tangible personal property, then and in that event my Personal Representative shall make the determination as to such distribution unto JENNIFER E. JOHNSON or MICHAEL T. PRATT and the decision of my Personal Representative shall be final and conclusive as to such item(s) and such distribution. Any items remaining that are not distributed unto JENNIFER E. JOHNSON or MICHAEL T. PRATT are to be distributed unto my friend, BRADLEY D. SCOTT of 4648 Park Heights Avenue, Baltimore, Maryland 21215. I further direct that my Personal Representative sell any automobile owned by me at the time of my death and the proceeds of such sale shall be included as part of the residue of my estate.

Sylvia H. Johnson 8/21/17 B.H.D.

ITEM # 6

I give, devise and bequeath the various following percentages, which total exactly one hundred percent (100%), of the entire rest, residue and remainder of my estate, whether real, personal or mixed, including digital assets, of every kind, nature and description whatsoever, and wherever situated, which I may now own or hereafter acquire, or have the right to dispose of at the time of my death, by power of appointment or otherwise, absolutely, as follows:

Section A. Five percent (5%) unto each (for a total of twenty percent of the total rest, residue and remainder of my estate) of the four (4) following named charitable organizations, their successor and/or assign:

Subsection 1. The **AMERICAN HEART ASSOCIATION** (for research) of 7272 Greenville Avenue, Dallas, Texas 75231.

Subsection 2. The **AMERICAN CANCER SOCIETY** (for research) of 250 Williams Street, N.W., Atlanta, Georgia 30303.

Subsection 3. The **ALZHEIMER'S ASSOCIATION** (for research) of 402 E. Plaza Drive, Carterville, Illinois 62918.

Subsection 4. The **ALLIANCE FOR THE MENTALLY ILL OF MARYLAND, INC.** (trading as: "NAMI MARYLAND") of Suite 475, 10630 Little Patuxent Parkway, Columbia, Maryland 21044.

Section B. Fifty percent (50%) unto my granddaughter, **JENNIFER E. JOHNSON** of 8666 Side Saddle Court, Randallstown, Maryland 21133-5348, per stirpes and not per capita.

Section C. Thirty percent (30%) unto my friend, **MICHAEL T. PRATT** of 719 Silver Creek Road, Pikesville, Maryland 21208-4620, per stirpes and not per capita.

Section D. Whenever and only in such situation and circumstance when it is so noted or stated throughout this my Last Will and Testament that a beneficiary is to receive a gift, devise and/or bequest "per stripes and not per capita" then such gift, devise and/or bequest shall pass per stirpes, that is, (a) if that beneficiary has living issue, the portion of my estate otherwise reserved for that beneficiary shall be distributed among said living issue of said beneficiary by right of representation; or (b) if any beneficiary has no living issue, the portion of my estate otherwise reserved for that beneficiary shall be distributed among those of my named beneficiaries who did survive me and, by right of representation, among the living issue of those of my named beneficiaries who did predecease me.

Section E. If I and any beneficiary under this, my Last Will and Testament, should die in a common accident or disaster or under such circumstances that it is difficult or impractical to determine who survived the other, or if any beneficiary, though surviving me, should die within thirty (30) days from and after the date of my death, then such beneficiary shall be deemed to have predeceased me.

ITEM # 7

I nominate and appoint my granddaughter, **JENNIFER E. JOHNSON**, and my friend, **MICHAEL T. PRATT**, or the survivor, as Co-Personal Representatives of this my Last Will and Testament and require that said Co-Personal Representatives serve without bond.

ITEM # 8

In addition to the powers conferred upon personal representatives and trustees by law, my Personal Representative and Trustee, if any, or any duly appointed successor shall have authority without adjudication, order or direction of the court:

- (a) To sell pursuant to option or otherwise, at public or private sale and upon such terms as the Personal Representative shall deem best, any real or personal property belonging to my estate, without regard to the necessity of such sale for the purpose of paying debts, taxes or legacies;
- (b) To retain any or all of such property not so required without liability for any depreciation thereof;
- (c) To assign or transfer certificates of stock, bonds or other securities;

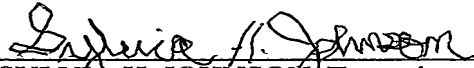
8/21/17 B.H.D. 
Jennifer E. Johnson

- (d) To adjust, compromise and settle any and all claims in favor of or against my estate;
- (e) To conduct and carry on all business now conducted by me and to do all things necessary or proper in the course of business until such time as the business can be sold and distributed as a going concern or otherwise, and the Personal Representative shall be exonerated from any loss which may result thereby; and
- (f) To do any and all things necessary and proper to complete the administration of my estate, all as fully as I could do if living.

ITEM # 9

As used herein, the singular form of a word includes both the singular and plural, the plural form of a word includes both the plural and the singular, and reference to words of a certain gender includes reference to all genders.


IN WITNESS WHEREOF, I have hereunto signed my name and acknowledged and published this instrument, consisting of three (3) printed pages, identified by my signature, as my Last Will and Testament, in the presence of the undersigned witnesses, on this 21st day of August, 2017.




SYLVIA H. JOHNSON, Testatrix

We certify that SYLVIA H. JOHNSON, the Testatrix named in the foregoing instrument of writing, subscribed her name hereto on this day, in our presence, and to us declared the same to be her Last Will and Testament; that we subscribed our names hereto as witnesses in the presence of each other; and that at the time of the execution of said instrument and of our subscribing the same as witnesses, the said Testatrix was of sound and disposing mind, to the best of our knowledge, information and belief.

WITNESS our hands, at Sykesville, Maryland, this 21st day of August, 2017.



MICHAEL J. DAUSCH, III resides at: 2070-A Kurtz Avenue, Pasadena, Maryland 21122-3525

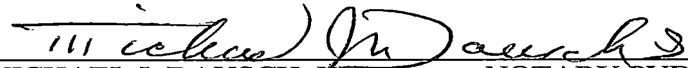


BONNIE K. DAUSCH resides at: 2070-A Kurtz Avenue, Pasadena, Maryland 21122-3525

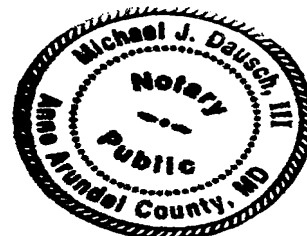
STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

On this 21st day of August, 2017, personally appeared before me, a Notary Public in and for the County and State aforesaid, the above named Testatrix, SYLVIA H. JOHNSON, who being duly sworn, declared, acknowledged and executed, as her free act, the above LAST WILL AND TESTAMENT.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year above written.



MICHAEL J. DAUSCH, III NOTARY PUBLIC
My commission expires: May 12, 2020



SB1029 - Estates and Trusts - Interpretation of Wi

Uploaded by: Laura Thomas

Position: UNF



520 West Fayette St., Baltimore, MD 21201
410-685-7878 | 800-492-1964
fax 410-685-1016 | tdd 410-539-3186
msba.org

To: Maryland Senate – Judicial Proceedings Committee

From: MSBA Estate & Trust Law Section

Date: March 11, 2025

Subject: **SB1029** – Estates and Trusts – Interpretation of Wills – Evidence of Intent

Position: **Oppose**

The Estate and Trust Law Section of the Maryland State Bar Association (MSBA) **opposes Senate Bill 1029 – Estates and Trusts – Interpretation of Wills – Evidence of Intent.**

A thorough analysis of SB1029 raises a number of concerns, and shows that the bill would do more damage than good. Firstly, the scope of this bill is so narrow that it is not likely to reduce health disparities in Maryland (the intended purpose of the bill). There likely are other approaches to alleviating health disparities in Maryland that will have a much larger impact than any possible change to probate law.

Secondly, Maryland has a longstanding commitment to testamentary freedom with only minimal restrictions. For instance, under Maryland law a person creating a Will (“testator”) can provide a restricted gift to a charity in their Will. A restricted gift to charity includes a statement that the gift to the charity must be used by the charity to support a specific program or goal that the testator supports. For example, “I give five thousand dollars (\$5,000) to Health Charity, to be used to support cancer treatments.”¹ If such a restricted bequest is made, the recipient charity is required to use the restricted gift for the stated purpose. Therefore, Maryland law already allows testators to direct their charitable donations toward a specific cause or program. SB 1029 infringes on the testator’s right of testamentary freedom by granting another person the ability to change the testator’s stated intent in a Will, seemingly without protection for the charitable beneficiaries named in a Will.²

Thirdly, under Maryland law (and the law of many other jurisdictions), the admission of extrinsic (outside) evidence to interpret a Will or other contract is limited to situations where there is an ambiguity within the Will or contract. The courts follow the

¹ In contrast, an unrestricted gift to charity would use language like “I give five thousand dollars (\$5,000) to Health Charity” thereby allowing the charity to use the bequest for any reason.

² If passed, SB1029 would allow the personal representative to petition change a restricted bequest if the personal representative believed that the decedent’s life reflected an active interest in health equity issues. Take, for instance, the example restricted bequest used above. The personal representative would be able to petition to redirect those funds from cancer treatments to health disparities, even though it was the testator’s intent – perhaps expressed in an agreement with the charity – to support cancer treatments. Both are worthy causes. However, the testator’s intent should prevail when interpreting a Will.

objective theory of contract interpretation, which means that the courts' primary focus is on the four corners of the document to determine the intent of the parties based on the plain, ordinary, and usual meaning of the language in the document. When determining whether to admit extrinsic evidence in the case of a Will, the court first determines whether the language of the Will applies equally to two or more subjects or objects (i.e., the testator leaves a bequest in her Will to "my cousin, Michael", but the testator has two cousins named Michael). If the language of the Will does not apply equally to two or more subjects, extrinsic evidence is not admissible. The court's primary goal is to ascertain and effectuate the testator's expressed intent as written in the Will, and extrinsic evidence is only used to clarify ambiguities, not to alter the express terms or speculate on what the testator might have intended to say.³ SB1029 would open a Pandora's box of speculation about a testator's intent even in the face of otherwise clear language. This could produce extended litigation thereby delaying the settlement of decedents' estates. In addition, this bill would upend a longstanding, commonly understood legal theory that could have drastic ramifications across many areas of the law in Maryland, not just in the context of Wills and estates.

Fourthly, the Will provision included in the statute under (a)(III) has been interpreted in Maryland to grant the personal representative broad authority to manage and settle the estate, ensuring that the testator's intentions are fulfilled, and the estate is managed effectively, but not to change the intention of the testator. Directing the court to defer to the personal representative's actions when a Will contains this clause prevents the court from fulfilling its statutory duty to direct the conduct of the personal representative and places the personal representative's judgment before that of the testator.⁴

Lastly, there are legal inaccuracies contained within the language of SB1029. For instance, the authority given to an agent in a power of attorney document ends upon a principal's death. Therefore, a personal representative, who is appointed after a principal's death, cannot also have power of attorney because the rights granted to the agent have ceased. Second, there is no legal document that states who serves as a person's caregiver. The court would need to hold a hearing to determine whether the individual petitioning the court was the decedent's caregiver.

For the reasons outlined above, The Estate and Trust Law Section of the MSBA opposes SB1029. We believe that SB1029 would impair Maryland's longstanding tradition of testamentary freedom, upend centuries of law regarding document interpretation, and would have little, if any, impact on improving health disparities in Maryland. Accordingly, we urge an **unfavorable** report.

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³ See *Vito v. Grueff*, 453 Md. 88; *Fersinger v. Martin*, 183 Md. 135; *Schapiro v. Howard*, 113 Md. 360; *Cassilly v. Devenny*, 168 Md. 443

⁴ Md. Estates and Trusts Code Ann. § 2-102.

sb1029.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
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SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., Staff
410-260-1523
RE: Senate Bill 1029
Estates and Trusts – Interpretation of Wills – Extrinsic Evidence of Intent
(Granny's Law)
DATE: February 26, 2025
(3/11)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 1029. This bill proposes to allow a personal representative (PR) to petition the court for the court to interpret a will in accordance with the intent of the decedent; if the will has a legacy provision for a health provider or charitable organization and contains no express provision relative to health equity issues. The PR would be allowed to introduce evidence of the intent of the decedent which would create a rebuttable presumption.

First, the courts currently possess the authority to interpret a will in accordance with the intention of the testator. Further, it is unclear how the bill would operate where the estate is closed and the personal representative has been discharged, which raises practical and procedural concerns. The bill is also contrary to the principle that testamentary intent is gathered from the four corners of the will itself, not extrinsic evidence. *See Castruccio v. Est. of Castruccio*, 456 Md.1 (2017). In addition, the bill would create a rebuttable presumption as to the decedent's intention in certain cases (p. 2, lines 18-22), which may present practical difficulties.

cc. Hon. Dalya Attar
Judicial Council
Legislative Committee
Kelley O'Connor