

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

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



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., Staff
410-260-1523
RE: House Bill 868
Estates and Trusts – Interpretation of Wills – Extrinsic Evidence of Intent
(Granny's Law)
DATE: February 5, 2025
(2/27)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 868. 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 21-25), which may present practical difficulties.

cc. Hon. Samuel Rosenberg
Judicial Council
Legislative Committee
Kelley O'Connor