



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony

SB 190: Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

Chairman Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Committee:

Thank you for the opportunity to present testimony on Senate Bill 190.

This legislation addresses how Maryland courts may interpret certain provisions of a will when questions arise regarding the decedent's intent. Specifically, the bill clarifies when a personal representative may petition the orphans' court to consider extrinsic evidence in interpreting a will and outlines the circumstances under which that evidence may be used.

The bill authorizes a personal representative, under defined conditions, to seek court guidance when a will contains a legacy but does not clearly specify how that legacy is to be used. In such cases, the court may consider evidence of the decedent's actions during their lifetime to assist in determining intent. The court retains discretion and must find the evidence satisfactory.

Senate Bill 190 also provides direction to the court when a will includes specific language granting broad administrative authority to the personal representative. In those instances, the bill instructs the court to defer to the personal representative's judgment, absent compelling evidence of fraud.

In addition, the bill establishes a process allowing a personal representative, within a limited timeframe after probate, to request documentation from certain legatees demonstrating how a legacy was used. If the use of the legacy is inconsistent with the court's interpretation of the will, the bill authorizes the personal representative to seek appropriate court-ordered remedies.

The legislation applies retroactively to wills probated on or after October 1, 2021, and has a prospective effective date of October 1, 2026.

Overall, Senate Bill 190 is intended to clarify procedures, define court authority, and provide guidance for personal representatives and courts when interpreting wills under specific and limited circumstances.