

ULC Testimony in Support of MD SB 250.pdf

Uploaded by: Benjamin Orzeske

Position: FAV



**Statement of the Uniform Law Commission, Represented by Maryland Commissioner
Steven Leites and ULC Chief Counsel Benjamin Orzeske to the Maryland Senate
Committee on Judicial Proceedings in Support of SB 250**

January 29, 2026

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee –

Senate Bill 250 is an update of a uniform state law that Maryland adopted over fifty years ago – the Uniform Simultaneous Death Act. This legislation addresses an inequity that can occur when two individuals who own property together die in a common accident.

The problem is best illustrated with an example:

Imagine a married couple, with no children, who are involved in an accident. The couple owns a home and joint bank accounts. If they die without an estate plan, their property will pass according to Maryland's intestacy law. If one of the spouses is determined to have died first, the surviving spouse will inherit the jointly owned property. The problem can arise if both spouses die in the accident and it cannot be determined which spouse died first. In that case, the current Maryland Simultaneous Death Act provides a solution: each spouse's property passes to their heirs as if they had survived the other. (MD Code, Courts and Judicial Proceedings, § 10-801.) One half of any jointly-owned property will be inherited by the husband's family, and one half by the wife's family – a fair result.

In 1993, the Uniform Law Commission updated the Uniform Simultaneous Death Act, but Maryland never adopted the adopted version. SB 250 will enact the updated uniform act, but it would not change the result in the example above. Instead, this bill will expand the application of this rule to apply in more cases.

Another example will illustrate the benefit of this change:

Imagine that the same married couple was involved in an accident but only the husband died at the scene. The wife was rescued by paramedics and transferred to an ambulance but died in transit to the emergency room. Maryland's current law on simultaneous death would not apply in this example, because the wife clearly survived longer, and she inherited all the jointly owned property when her husband died. When she subsequently died, all the property they jointly owned would have then been inherited by the wife's family alone – disinheriting the husband's family because the wife survived him for a short period of time.

SB 250 will update the law to apply the rule for simultaneous death in cases where a couple

dies within 120 hours (five days) of each other. This will result in a fairer outcome for families who suffer this type of horrible loss – the property will be divided between both families as if the couple had died simultaneously. The updated rule is simple: a person who inherits property from a decedent must survive the decedent for at least 120 hours before the inheritance is given legal effect. Otherwise, the first decedent will be deemed to have survived the second decedent and each decedent's property will pass to their legal heirs.

The updated law will apply not only to married couples, but to any individuals who stand to inherit property – including life insurance and retirement plan beneficiaries, and owners of jointly held property and accounts. In all cases, the survivor must survive for at least 120 hours to inherit, and the time of death shown on the death certificates is determinative unless challenged in court. In addition to a fairer distribution of property, the new law will help to avoid unfortunate litigation where one decedent's heirs attempt to prove, using sometimes gruesome medical evidence, that their relative survived the other by a few moments.

This updated version of the Uniform Simultaneous Death Act has been adopted in 22 other states and has proven to work well in practice. We urge you to support this update to Maryland law and welcome any questions from the committee.

EWP_SB250_testimony.pdf

Uploaded by: Elizabeth Price

Position: FAV



Date: January 27, 2026

To: Senate Judiciary Proceedings Committee

From: Elizabeth Price

Re: Senate Bill 250 – Estates – Maryland Uniform Simultaneous Death Act

I am writing to express my strong support for SB250 which will conform the Maryland Uniform Simultaneous Death Act with the Uniform Simultaneous Death Act (or USDA).


In February 2025, my best friend's father and his wife were both killed in a house fire in Annapolis. Although the details are still in question, my friend's father was pronounced dead at the scene, and his wife was transported by ambulance and pronounced dead 27 minutes later. No will was found in the burned out remains of their house.

At the time of their deaths, had this legislation been in effect, the path forward would have been clear. From a legal perspective, any difference in their times of death would be inconsequential because each would have been considered to have predeceased the other. Instead, in the absence of conformity with the USDA, the disposition of their estates is unnecessarily ambiguous. Did his estate pass to her during the few minutes she may have outlived him and then to her heirs when she passed? Or, is the intent of the Maryland Uniform Simultaneous Death Act to ensure equitable disposition of estates?

Due to this lack of clarity, my friend and her siblings have had to engage in costly and time-consuming legal action in the hope that they will be able to retain what would have been unequivocally theirs had Maryland already conformed with the USDA.

I can't fix this stressful situation for my friend, but by supporting SB250, you can prevent a similar situation happening to another family in the future.

Thank you for your attention and consideration.



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SB250_Support_JuliaCage.pdf

Uploaded by: Julia Cage

Position: FAV

BILL NUMBER: SB250 Testimony

POSITION: Favorable

DATE: 1/29/2026

WITNESS NAME: Julia Cage

ADDRESS: 1413 Saybrooke Ct, Pasadena, MD 21122

CONTACT: julia.cage@gmail.com, 443.838.5795

Good afternoon Chairman Smith and members of the Committee. My name is Julia Cage, a constituent of Anne Arundel County and I am in strong support of Senate Bill 250.

Maryland is currently an outlier in estate law. By adopting the 120 hour survival rule included in the USDA, we will join 44 other states in fixing a technicality that currently invites litigation based on “survival by the minute” at the expense of common sense and intent of the deceased.

While my friend, Joanna Bloom, will share the personal toll this outdated law has taken on her family after a tragic fire in Annapolis, her story highlights a systemic vulnerability for all Marylanders.

Currently, if spouse A survives Spouse B by minutes, a legal windfall may occur for Spouse A’s heirs. Assets are at risk of being diverted away from Spouse B’s children or heirs and into a secondary estate to the heirs of Spouse A, who is also deceased. This may trigger a redundant double probate, wasting the court’s time, and draining estates with back to back fees. This situation forces heirs to litigate the exact second of death through expensive expert testimony. A forensic technicality risks disinheriting a person's own children, diverting a lifetime of assets to a different family tree entirely.

This is a critical issue for Maryland families. Two thirds of divorced Americans remarry and only 30-40% of Americans have a will. Without the 120 hour legal circuit breaker in the USDA, any family tragedy becomes a forensic race. We should not be litigating tragedies by the minute, we should be ensuring the assets of an estate are transferred equitably and according to a natural line of succession.

SB 250 ensures that Maryland law honors the presumed intent of the deceased and the natural line of succession while streamlining probate procedures. It clarifies the 120 hour standard, one which 44 other states have already implemented through the USDA, Uniform Probate Code or their own independent state laws.

Please support Senate Bill 250 to ensure that a few minutes in the aftermath of a tragedy do not result in prolonged legal and financial stress for descendents and the courts. Thank you.

2026 SB 250 Senator Simonaire_FAV.pdf

Uploaded by: Kara Contino

Position: FAV

BRYAN W. SIMONAIRE
Legislative District 31
Anne Arundel County

Education, Energy, and the
Environment Committee

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



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SB 250 – Maryland Uniform Simultaneous Death Act

I am Senator Bryan Simonaire presenting SB 250 - *Maryland Uniform Simultaneous Death Act*.

I worked with the *Maryland Judiciary*, The *Uniform Law Commission* and our *Maryland representative*, along with the *Maryland Bar Association*.

I served on JPR for 4 years and never heard about this section of code.

This bill deals with when people effectively die simultaneously, whether instantly or within a short period of time, and how that impacts inheritance etc.

Under current law, if a married couple dies within a few hours of one another and doesn't have a will, the second individual that died is legally treated as the survivor of the first. The inheritance will go through the legal process to the second individual.

Then when the second individual dies shortly after, the legal process must go through the same process for their heirs.

Thus, creating double work on the families for a situation where basically the two individuals died simultaneously.

My constituent will share how this recently happened to their family's friends.

So, this bill works to remedy that unnecessary duplicative process.

Fortunately, I didn't have to come up with a new set of procedures on my own.

Back in the 1940s the *Uniform Simultaneous Death Act* was created and nearly every state enacted it.

Since then, there have been a few updates in the 1990s and this bill updates Maryland's laws to reflect those changes.

It primarily deals with people dying within a short period of time and how to handle it efficiently.

It's called the 120-hour rule and treats individuals to have died within 120 hours of each other without a will, as dying simultaneously.

This is widely accepted, and it will be a tremendous improvement to our laws and help our constituents.

Sen. West is an expert in Estates law and may leave any difficult nuanced questions to him or the Uniform Law Commissioners.

For all these reasons, I ask for your favorable consideration.

Simultaneous Death Act Summary



The original Uniform Simultaneous Death Act (**USDA**) was promulgated in 1940 by the Uniform Law Commissioners. The 1991 version comes from work completed on the Uniform Probate Code Article II in 1990 and the Uniform Act on Intestacy, Wills, and Donative Transfers in 1991. The Uniform Simultaneous Death Act is incorporated into both of these Acts. Some technical amendments were made in 1993, but those involved no substantive change. Despite its incorporation into the Uniform Probate Code, the Act can be adopted as a separate, free-standing Act, however, as the **USDA (1993)**.

If persons who are each other's heirs in intestacy, devisees in mutual wills, or another nonprobate transfer arrangement that involves reciprocal interests, die or are killed close together in time, the question is inevitably raised, for the purposes of determining where property goes, as to who died first? The classic case involves the husband and wife who are killed in the same automobile accident. The question is raised because the law generally puts property from the first to die into the estate of the person who dies second. The unpalatable result of that determination is the fact that the property of the first to die passes through two estates (and possibly two probates) - one for the first to die and one for the second to die. Two probates are inevitably worse than one, considering the costs and delays inherent in that process. Better to transfer property directly to those who truly survive a deceased individual.

Since 1940, the **USDA** has been available to the states to provide a rule of law that reaches the desired result. **USDA (1993)** is the up-to-date version.

The fundamental rule is simple. If it cannot be proved that one individual survived another by a time period of 120 hours, by law that individual predeceases the other. The effect of the rule is to make each individual predecease the other. If a husband and wife are killed together, for example, in that automobile accident, each predeceases the other by law. No property passes between them at death. Their other heirs, devisees and/or beneficiaries will take their property, however that transfer is arranged.

USDA (1993) provides rules for passage of joint property, for when death legally occurs, and for exceptions to the 120-hour rule. It is possible in wills and other instruments to waive or vary the rule. **USDA (1993)**, also, provides for a presumption of death after five years if a person is missing or a body cannot be found, as well.

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Uploaded by: Mariana Maldjian

Position: FAV

Date: January 27, 2026

To: Senate Judiciary Proceedings Committee

From: Mariana Maldjian

Re: Senate Bill 250 – Estates – Maryland Uniform Simultaneous Death Act

I strongly support conforming the Maryland Uniform Simultaneous Death Act to the Uniform Simultaneous Death Act. I'm a former resident of Maryland, and I have personally witnessed the consequences of Maryland's current law and its ambiguity regarding how estates should be treated when deaths are close to, but not entirely, simultaneous.

Many people do not have a will in place, and in situations where remarried spouses die within minutes, hours, or days of one another, it is common sense that each spouse's assets should pass to their respective families. The intent of the Maryland Uniform Simultaneous Death Act is likely in line with that approach, but the law itself is ambiguous. Under the current law, the family of the spouse who happened to die first may need to engage in legal action to retain their claim to their loved one's estate.

Maryland conforming with the Uniform Simultaneous Death Act would result in a fairer distribution of property. It would prevent the possibility that disposition of an estate could be based on which spouse survived by moments. Thank you for your time and consideration of this important change.

SB 250 - Estates Maryland Uniform Simultaneous De

Uploaded by: Sara Westrick

Position: FAV



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SB 250 - Estates – Maryland Uniform Simultaneous Death Act
Senate Judicial Proceedings Committee
January 29, 2026 at 3:00 p.m.

FAVORABLE

Good afternoon, Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee. Thank you for the opportunity to testify in support of Senate Bill 250, the Maryland Uniform Simultaneous Death Act.

AARP Maryland is one of the largest membership-based organizations in the state, encompassing almost 850,000 members. One of our policy positions is to advocate for simplified laws and probate policies, and that is what SB 250 does. AARP Maryland thanks Senators Simonaire and West for sponsoring this important legislation.

This bill is a much-needed modernization of our state's laws governing simultaneous deaths, and it clarifies the procedure for determining how to distribute property in cases where individuals die simultaneously or in close succession. Specifically, the bill provides that an individual who does not survive another individual by at least 120 hours is deemed to have predeceased the other individual.

This simplification is beneficial for families and individuals, as well as payors and third parties who are often caught in the middle of resolving these issues. Furthermore, SB 250 modernizes our state's laws to align with the Uniform Simultaneous Death Act, the current version of which has been adopted by 21 other states and the District of Columbia. This uniformity is essential for ensuring consistency and predictability in the application of the law, particularly in cases involving multiple jurisdictions.

In conclusion, AARP Maryland strongly supports SB 250 because it simplifies the procedure for determining the order of death, modernizes our state's laws, and provides important protections for families and individuals. As such, AARP Maryland respectfully urges a **favorable report** on SB 250.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.

