

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 418 (Senator Lee)
Judicial Proceedings

Estates - Modified Administration - Final Report and Distribution - Extension

This bill authorizes a register of wills to extend the time periods for filing a final report and distributing an estate for up to 90 days if (1) the time periods were previously extended pursuant to the Modified Administration subtitle and (2) a request for an extension of time, signed by the personal representative and consented to by each interested person, is delivered to the register of wills before the date for filing a final report.

This bill applies only prospectively and, therefore, does not apply to any decedent who dies before the effective date of the bill.

Fiscal Summary

State Effect: This bill does not affect State operations or finances.

Local Effect: This bill does not affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law/Background: Modified administration accelerates the probate process by requiring the personal representative to file a verified final report no later than 10 months from the date of appointment instead of filing a formal inventory and account, as would be required under regular estate administration. Modified administration requires fewer and less extensive filings and can be significantly less costly and burdensome for an estate.

Distribution of the estate by the personal representative must occur no later than 12 months from the date of appointment. An election for modified administration may be filed by a personal representative of an estate within 3 months from the date of appointment of the personal representative if specified criteria are met.

The initial time periods for filing a final report and for making distribution of the estate may be extended for 90 days upon the consent in writing of the personal representative and each interested person. Such consent must be filed in writing within 10 months from the date of appointment; however, a register of wills or a court may *not* grant additional extensions of time. A modified administration must be revoked if, among other things, a personal representative fails to meet the statutory deadlines. Once revoked, the estate must proceed under the requirements of regular administration.

Additional Information

Prior Introductions: None.

Cross File: HB 623 (Delegate Miele, *et al.*) - Health and Government Operations.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2015
min/kdm

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