

# HOUSE BILL 1386

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By: **Delegates F. Turner and Luedtke**

Introduced and read first time: February 23, 2012

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Registers of Wills – Fees**

3 FOR the purpose of providing that a register of wills is not required to record  
4 documents or provide copies of certain documents until certain fees have been  
5 paid, unless otherwise provided by law; altering certain fees that the registers of  
6 wills are entitled to charge; establishing certain fees; repealing certain fees; and  
7 generally relating to fees charged by a register of wills.

8 BY repealing and reenacting, with amendments,  
9 Article – Estates and Trusts  
10 Section 2–206 and 5–606  
11 Annotated Code of Maryland  
12 (2011 Replacement Volume and 2011 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Estates and Trusts**

16 2–206.

17 (a) **(1)** The registers of wills are entitled to charge and collect **THE FEES**  
18 **LISTED IN THIS SECTION** for the performance of their duties [the fees in this section].

19 **(2) UNLESS OTHERWISE PROVIDED BY LAW, A REGISTER OF**  
20 **WILLS IS NOT REQUIRED TO RECORD ANY DOCUMENT FILED WITH THE**  
21 **REGISTER OR TO PROVIDE A COPY OF A DOCUMENT TO ANY PERSON UNTIL THE**  
22 **APPROPRIATE FILING FEE OR COPYING FEE IS PAID.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) For taking probate of wills and furnishing 2 certified copies of the will and codicils, granting letters of administration and furnishing 12 certificates of letters, issuing warrants to appraise, entering on estate docket, filing elections of surviving spouses to take intestate shares, filing renunciations and disclaimers, filing and recording wills, bonds, inventories, accounts of sale, releases, administration accounts, petitions and orders, and other papers filed in the administration of decedents' estates not otherwise specified in subsections (c) through (l) of this section, the probate fees under paragraph (2) of this subsection.

(2) Probate fees shall be assessed on the value of the probate estate at the following rates:

	If the Value of the Probate Estate Is At Least	But Less Than	The Fee Is
(I)	—	<b>\$5,000</b>	<b>1%</b>
[(i)] (II)	<b>\$5,000</b>	\$ 10,000	[\$ 50] <b>\$75</b>
[(ii)] (III)	\$ 10,000	\$ 20,000	[\$ 100] <b>\$150</b>
[(iii)] (IV)	\$ 20,000	\$ 50,000	[\$ 150] <b>\$225</b>
[(iv)] (V)	\$ 50,000	\$ 75,000	[\$ 200] <b>\$300</b>
[(v)] (VI)	\$ 75,000	\$ 100,000	[\$ 300] <b>\$450</b>
[(vi)] (VII)	\$ 100,000	\$ 250,000	[\$ 400] <b>\$600</b>
[(vii)] (VIII)	\$ 250,000	\$ 500,000	[\$ 500] <b>\$750</b>
[(viii)] (IX)	\$ 500,000	\$ 750,000	[\$ 750] <b>\$1,125</b>
[(ix)] (X)	\$ 750,000	\$1,000,000	[\$1,000] <b>\$1,500</b>
[(x)] (XI)	\$1,000,000	\$2,000,000	[\$1,500] <b>\$2,250</b>
[(xi)] (XII)	\$2,000,000	\$5,000,000	[\$2,500] <b>\$3,750</b>
[(xii)] (XIII)	\$5,000,000	—	[\$2,500] <b>\$3,750</b>
			[plus .02% of excess over \$5,000,000]

(3) Except as provided in paragraph (4) of this subsection, for purposes of determinations under paragraph (2) of this subsection, the value of a probate estate is the amount, as reflected in the administration accounts filed in the proceedings, that equals:

(i) The sum of:

1. The value of all inventories filed in the proceedings;
2. All principal and income receipts; and

1 3. All increases realized on a disposition, other than a  
2 distribution to beneficiaries, of any probate asset; less

3 (ii) All decreases realized on a disposition, other than a  
4 distribution to beneficiaries, of any probate asset.

5 (4) If an estate proceeds through modified administration, for the  
6 purpose of determining the appropriate fee under paragraph (2) of this subsection, the  
7 value of an estate is the gross value of the probate assets reported on the final report  
8 under modified administration.

9 (5) (i) Except as provided in subparagraphs (ii) and (iii) of this  
10 paragraph, the register shall assess and collect the probate fee when the first  
11 administration account is filed.

12 (ii) If there are any additions to the value of a probate estate, as  
13 reflected in any subsequent administration account, the register shall:

14 1. Assess an additional fee in an amount equal to the  
15 excess of:

16 A. The fee as determined under paragraph (2) of this  
17 subsection based on the value of the probate estate as reflected in the currently filed  
18 administration account; over

19 B. The fee as determined under paragraph (2) of this  
20 subsection based on the value of the probate estate as reflected in the most recent  
21 previously filed administration account; and

22 2. Collect the additional fee when the subsequent  
23 administration account is filed.

24 (iii) If an estate proceeds through modified administration, the  
25 register shall assess and collect the probate fee when the personal representative files  
26 the final report under modified administration.

27 (c) For furnishing additional certificates of letters, with seal..... **[\$1] \$5**

28 (d) For affixing seal of office to a transcript or other paper, if expressly  
29 required by law or a person..... **[\$1] \$5**

30 (e) [For affixing seal of office to a certificate, transcript, or other paper  
31 exemplified under the act of Congress..... **\$2**

32 (f) For passing and entering every claim or voucher against an estate of a  
33 deceased person, and endorsing certificate on each claim or voucher when passed by  
34 the court or register, for each ..... **[\$3] \$10**

1            ~~[(g)]~~ (F)      For [entering papers in caveat or other controversial matter, for  
 2 each side]      **INITIATING A CAVEAT PROCEEDING FOR THE**  
 3 **PETITIONER.....** ~~[\$10]~~ **\$100**

4            **(G)    FOR ENTERING PAPERS IN A CONTROVERSIAL MATTER, FOR EACH**  
 5 **SIDE.....** **\$25**

6            (h)    For transcribing papers filed in caveat or other controversial proceedings  
 7 when taken to higher court, per page or part of a page ..... \$2

8            (i)    For recording papers filed in caveat or other controversial proceedings,  
 9 when mandate of higher court is filed, per page or part of a page ..... \$2

10           (j)    For copies of a paper or record, including plain certification and seal, per  
 11 page or part of a page ..... \$2

12           (k)    For photostatic or other artificially reproduced copies of a paper or record,  
 13 per page or part of a page ..... 50 cents

14           (l)    For receiving a will, **CODICIL, OR BOTH**, for deposit during the lifetime  
 15 of the testator..... **[\$5] \$10**

16           (m)    For all filing and entries regarding a guardianship proceeding, a single  
 17 fee of:

18                    **(1)    IF THE GUARDIANSHIP PROCEEDING INVOLVES ASSETS**  
 19 **TOTALING LESS THAN \$2,500 .....** **\$20**

20                    **(2)    IF THE GUARDIANSHIP PROCEEDING INVOLVES ASSETS**  
 21 **TOTALING \$2,500 OR MORE.....** **\$100**

22            (n)    For receiving and paying over an inheritance tax due the State, the  
 23 register is allowed a commission of 25% of the inheritance tax.

24            (o)    [For providing a probate information booklet and materials..... \$2

25            (p)]    For all proceedings involving a foreign personal representative, a single  
 26 fee of 1% of the gross value of the estate, not to exceed **[\$100]** ..... **\$200**

27            **(P)    FOR ATTORNEYS APPEARING PRO HACE VICE .....** **\$25**

28            **(Q)    FOR THE SHOW-CAUSE FEE SCHEDULE:**

29                    **(1)    FIRST OCCURRENCE.....** **\$0**

- 1           **(2) SECOND OCCURRENCE ..... \$25**
- 2           **(3) THIRD OCCURRENCE ..... \$75**
- 3           **(4) FOURTH AND SUBSEQUENT OCCURRENCES..... \$150**
- 4           **(R) FOR RETURNED CHECK ..... \$30**
- 5           **(S) FOR ALL CERTIFIED MAILINGS, REGISTERED MAILINGS, AND**
- 6 **PRIVATE SERVICE OF PROCESS MAILINGS, INCLUDING APPOINTMENT**
- 7 **NOTIFICATION, SHOW-CAUSE NOTICES, AND CAVEATS ..... ACTUAL COST.**

8 5-606.

9           (a) (1) Except as provided in paragraph (2) of this subsection, for all  
 10 services listed in § 2-206(b)(1) of this article that a register performs in connection  
 11 with a small estate, the register shall receive the fees under subsection (b) of this  
 12 section instead of the fees under § 2-206(b)(2) of this article.

13           (2) For each additional certificate of letters over 4 furnished in  
 14 connection with a small estate, the register shall receive the additional fee under §  
 15 2-206(c) of this article.

16           (b) Fees for a small estate shall be assessed on the value of the small estate  
 17 at the following rates:

18	If the Value	But No More	The Fee
19	of the Small	Than	Is
20	Estate Is		
21	Greater Than		
22	(1) —	[\$ 200] <b>\$5,000</b>	[\$ 2] 1% OF
23			THE VALUE OF
24			THE SMALL
25			ESTATE
26	(2) [\$ 200] <b>\$5,000</b>	[\$ 5,000] <b>\$10,000</b>	[1% of the Value
27			of the Small
28			Estate] <b>\$75</b>
29	(3) [\$ 5,000] <b>\$10,000</b>	[\$ 10,000] <b>\$20,000</b>	[\$ 50] <b>\$150</b>
30	(4) [\$ 10,000] <b>\$20,000</b>	[\$ 20,000] <b>\$50,000</b>	[\$ 100] <b>\$200</b>
31	[(5) \$ 20,000	\$ 50,000	\$ 150]

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 33 October 1, 2012.