

# HOUSE BILL 318

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2lr1340  
CF SB 353

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By: **Delegate Feldman**

Introduced and read first time: January 30, 2012

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Estates – Small Estate Administration – Eligibility Thresholds**

3 FOR the purpose of altering the maximum value of property of certain decedents that  
4 may be eligible to be administered as a small estate; altering the value of  
5 property discovered after filing a certain petition that requires removing an  
6 estate from small estate administration; altering the fee schedule for certain  
7 small estates; clarifying language; making stylistic changes; providing for the  
8 application of this Act; and generally relating to small estate administration.

9 BY repealing and reenacting, with amendments,  
10 Article – Estates and Trusts  
11 Section 5–601, 5–605, and 5–606  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2011 Supplement)

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

16 **Article – Estates and Trusts**

17 5–601.

18 (a) If the property of the decedent subject to administration in Maryland is  
19 established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 the decedent, the estate may be administered in accordance with the provisions of §§  
2 5–602 through 5–607 of this subtitle.

3 (b) If, before the filing of an initial account in administration proceedings  
4 instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent  
5 subject to administration in Maryland is established to have a value of ~~[\$30,000]~~  
6 **\$50,000** or less as of the date of the death of the decedent, the estate thereafter may  
7 be administered in accordance with the provisions of §§ 5–602 through 5–607 of this  
8 subtitle.

9 (c) If the surviving spouse is the sole legatee or heir of the decedent and if  
10 before the filing of an initial account in administration proceedings instituted under  
11 Subtitle 3 or Subtitle 4 of this title, the property of the decedent subject to  
12 administration in Maryland is established to have a value of ~~[\$50,000]~~ **\$100,000** or  
13 less as of the date of the death of the decedent, the estate thereafter may be  
14 administered in accordance with the provisions of §§ 5–602 through 5–607 of this  
15 subtitle.

16 (d) For the purpose of this subtitle, value is determined by the fair market  
17 value of property less debts of record secured by the property, as of the date of death,  
18 to the extent that insurance benefits are not payable to the lien holder or secured  
19 party for the secured debt.

20 5–605.

21 (A) Property of the decedent discovered after the filing of the petition shall be  
22 reported immediately by supplemental petition.

23 (B) If no administration was had in accordance with § 5–603(a)(4) of this  
24 subtitle because of the failure to include after–discovered property in the original  
25 petition, the register shall direct appropriate proceedings.

26 (C) If after–discovered property increases the gross value of all property of  
27 the decedent **SUBJECT TO ADMINISTRATION IN MARYLAND** to more than ~~[\$30,000]~~  
28 **\$50,000**, or more than ~~[\$50,000]~~ **\$100,000** if all property of the decedent subject to  
29 administration in Maryland is transferred to the spouse of the decedent, then any  
30 further proceeding may not be had under this subtitle, but the administration shall  
31 proceed under the other provisions of the estates of decedents law.

32 5–606.

33 (a) (1) (I) Except as provided in paragraph (2) of this subsection, for all  
34 services listed in § 2–206(b)(1) of this article that a register performs in connection  
35 with a small estate **HAVING A VALUE OF NO MORE THAN \$5,000**, the register shall  
36 receive the fees under subsection (b) of this section instead of the fees under §  
37 2–206(b)(2) of this article.

1 (II) FOR A SMALL ESTATE HAVING A VALUE OF MORE THAN  
2 \$5,000, THE FEES UNDER § 2-206 OF THIS ARTICLE SHALL APPLY.

3 (2) For each additional certificate of letters over 4 furnished in  
4 connection with a small estate, the register shall receive the additional fee under §  
5 2-206(c) of this article.

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

	If the Value of the Small Estate Is Greater Than	But No More Than	The Fee Is
12	(1) —	\$ 200	\$ 2
13	(2) \$ 200	\$ 5,000	1% of the Value of the Small Estate
16	[(3) \$ 5,000	\$ 10,000	\$ 50]
17	[(4) \$ 10,000	\$ 20,000	\$ 100]
18	[(5) \$ 20,000	\$ 50,000	\$ 150]

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
20 construed to apply only prospectively and may not be applied or interpreted to have  
21 any effect on or application to any estate opened before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.