

## Chapter 63

(House Bill 318)

AN ACT concerning

### Estates – Small Estate Administration – Eligibility Thresholds

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

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

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

#### Article – Estates and Trusts

5–601.

(a) If the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$30,000]~~ **\$50,000** or less as of the date of the death of the decedent, the estate may be administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

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

(c) If the surviving spouse is the sole legatee or heir of the decedent and if before the filing of an initial account in administration proceedings instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent subject to administration in Maryland is established to have a value of ~~[\$50,000]~~ **\$100,000** or less as of the date of the death of the decedent, the estate thereafter may be

administered in accordance with the provisions of §§ 5–602 through 5–607 of this subtitle.

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

5–605.

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

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

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

5–606.

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

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

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

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

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

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

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

**Approved by the Governor, April 10, 2012.**