

Chapter 146

(House Bill 329)

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

FOR the purpose of authorizing a surviving spouse, within the period provided for making an election to take an elective share of the deceased spouse's estate, to file with the court a petition for an extension of time, with a copy given to the personal representative; repealing the limitation that the court may only grant an extension before the expiration of the time in which to make the election; and generally relating to the election by a surviving spouse to take an elective share of the deceased spouse's estate.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 3–206
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Article – Estates and Trusts

3–206.

(a) (1) The election by a surviving spouse to take an elective share shall be made within the later of:

- (i) Nine months after the date of the decedent's death; or
- (ii) Six months after the first appointment of a personal representative under a will.

(2) **(I) WITHIN THE PERIOD FOR MAKING AN ELECTION, THE SURVIVING SPOUSE MAY FILE WITH THE COURT A PETITION FOR AN EXTENSION OF TIME, WITH A COPY GIVEN TO THE PERSONAL REPRESENTATIVE.**

(II) [The] FOR GOOD CAUSE SHOWN, THE court may extend the time for election[, before its expiration,] for a period not to exceed three months at a time[, upon notice given to the personal representative and for good cause shown].

(b) The surviving spouse may withdraw the election at any time before the expiration of the time for making the election to take an elective share.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.