

SENATE BILL 261

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9lr0983

By: **Senator Ferguson**

Introduced and read first time: January 25, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Administration of Estates – Waiver of Fees – Required**

3 FOR the purpose of requiring, rather than authorizing, a register of wills to waive certain
4 fees for the administration of an estate if certain real property subject to
5 administration in this State is to be transferred to a certain individual or is
6 encumbered by a lien and subject to sale under certain provisions of law, and the
7 estate is unable to pay the fees by reason of poverty; providing for the prospective
8 application of this Act; and generally relating to fees for estate administration.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 2–206(a)
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2018 Supplement)

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

16 **Article – Estates and Trusts**

17 2–206.

18 (a) (1) In this subsection, “poverty” means:

19 (i) At the time of the decedent’s death, the decedent’s family
20 household income was less than 50% of the median family income for the State as reported
21 in the Federal Register; or

22 (ii) The personal representative is represented by an attorney
23 retained through the Maryland Legal Services Corporation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The registers of wills are entitled to charge and collect for the
2 performance of their duties the fees in this section.

3 (3) A register of wills [may] **SHALL** waive any fees under this section for
4 the administration of an estate if:

5 (i) The real property of the decedent subject to administration in the
6 State is:

7 1. To be transferred to an heir of the decedent who resides on
8 the property; or

9 2. Encumbered by a lien against the property and subject to
10 sale under Title 14, Subtitle 8 of the Tax – Property Article; and

11 (ii) The estate is unable to pay the fees by reason of poverty.

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

15 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect
16 October 1, 2019.