

SENATE BILL 353

N2

2lr2233
CF HB 318

By: **Senator Forehand**

Introduced and read first time: January 30, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

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
20 the decedent, the estate may be administered in accordance with the provisions of §§
21 5–602 through 5–607 of this subtitle.

22 (b) If, before the filing of an initial account in administration proceedings
23 instituted under Subtitle 3 or Subtitle 4 of this title, the property of the decedent
24 subject to administration in Maryland is established to have a value of ~~[\$30,000]~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **\$50,000** or less as of the date of the death of the decedent, the estate thereafter may
2 be administered in accordance with the provisions of §§ 5–602 through 5–607 of this
3 subtitle.

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

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

15 5–605.

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

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

21 (C) If after–discovered property increases the gross value of all property of
22 the decedent **SUBJECT TO ADMINISTRATION IN MARYLAND** to more than ~~[\$30,000]~~
23 **\$50,000**, or more than ~~[\$50,000]~~ **\$100,000** if all property of the decedent subject to
24 administration in Maryland is transferred to the spouse of the decedent, then any
25 further proceeding may not be had under this subtitle, but the administration shall
26 proceed under the other provisions of the estates of decedents law.

27 5–606.

28 (a) (1) (I) Except as provided in paragraph (2) of this subsection, for all
29 services listed in § 2–206(b)(1) of this article that a register performs in connection
30 with a small estate **HAVING A VALUE OF NO MORE THAN \$5,000**, the register shall
31 receive the fees under subsection (b) of this section instead of the fees under §
32 2–206(b)(2) of this article.

33 (II) **FOR A SMALL ESTATE HAVING A VALUE OF MORE THAN**
34 **\$5,000, THE FEES UNDER § 2–206 OF THIS ARTICLE SHALL APPLY.**

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

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

| 6 | If the Value | But No More | The Fee |
|----|----------------|-------------|-----------------|
| 7 | of the Small | Than | Is |
| 8 | Estate Is | | |
| 9 | Greater Than | | |
| 10 | (1) — | \$ 200 | \$ 2 |
| 11 | (2) \$ 200 | \$ 5,000 | 1% of the Value |
| 12 | | | of the Small |
| 13 | | | Estate |
| 14 | [(3) \$ 5,000 | \$ 10,000 | \$ 50] |
| 15 | [(4) \$ 10,000 | \$ 20,000 | \$ 100] |
| 16 | [(5) \$ 20,000 | \$ 50,000 | \$ 150] |

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

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