

# SENATE BILL 420

N2

5lr1928

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By: **Senator Lee**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2015

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

1 AN ACT concerning

2 **Estates and Trusts – ~~Modified Administration – Payment of Funeral Expenses~~**  
3 **~~Without Court Approval~~ Allowance – Modified Administration**

4 FOR the purpose of ~~providing that an allowance by the court for a personal representative~~  
5 ~~to pay certain funeral expenses is not required if the estate is solvent, under modified~~  
6 ~~administration, and the personal representative includes the expenses on a certain~~  
7 ~~final report; and generally relating to funeral expenses~~ increasing the maximum  
8 amount that a court may allow for certain funeral expenses; establishing that, if an  
9 estate is solvent, a personal representative is not required to obtain an allowance by  
10 the court for funeral expenses if the estate is under modified administration and the  
11 funeral expenses are included on a certain report; providing for the application of  
12 this Act; and generally relating to an allowance for funeral expenses.

13 BY repealing and reenacting, with amendments,  
14 Article – Estates and Trusts  
15 Section ~~8-106(e)~~ 8-106  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume and 2014 Supplement)

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

20 **Article – Estates and Trusts**

21 8-106.

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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           (a) In this section, “funeral expenses” includes the costs of a funeral, a burial, a  
 2 cremation, a disposition of the decedent’s remains, a memorial, a memorial service, food  
 3 and beverages related to bringing together the decedent’s family and friends for a wake or  
 4 prefuneral or postfuneral gathering or meal, and any other reasonable expenses authorized  
 5 by the decedent’s will.

6           (b) Subject to the priorities contained in § 8–105 of this subtitle, the personal  
 7 representative shall pay the funeral expenses of the decedent within six months of the first  
 8 appointment of a personal representative.

9           (c) (1) Funeral expenses shall be allowed in the discretion of the court  
 10 according to the condition and circumstances of the decedent.

11           (2) In no event may the allowance exceed ~~§10,000~~ **\$15,000** unless the  
 12 estate of the decedent is solvent and a special order of court has been obtained.

13           (3) **[If] AN ALLOWANCE BY THE COURT IS NOT REQUIRED IF** the estate  
 14 is solvent and:

15                       **(I) [the] THE** will expressly empowers the personal representative  
 16 to pay the expenses without an order of court[, an allowance by the court is not required];  
 17 **OR**

18                       **(II) THE ESTATE IS UNDER MODIFIED ADMINISTRATION AND**  
 19 **THE PERSONAL REPRESENTATIVE INCLUDES THE EXPENSES ON THE FINAL REPORT**  
 20 **REQUIRED UNDER § 5–707 OF THIS ARTICLE.**

21           (d) (1) If the funeral expenses are not paid within six months, the creditor may  
 22 petition the court to require the personal representative to show cause why he should not  
 23 be compelled to make the payment.

24           (2) If the court finds that the claim is valid, it shall fix the amount due and  
 25 shall order the personal representative to make payment within ten days after the order is  
 26 served upon the personal representative.

27           (3) If the personal representative does not have sufficient funds, the  
 28 claimant may at a later date resubmit the personal representative’s petition when the  
 29 personal representative has sufficient funds.

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

33           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 34 October 1, 2015.