

SENATE BILL 420

N2

5lr1928

By: **Senator Lee**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates – Modified Administration – Payment of Funeral Expenses Without**
3 **Court Approval**

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.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 8–106(c)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2014 Supplement)

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

15 **Article – Estates and Trusts**

16 8–106.

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

19 (2) In no event may the allowance exceed \$10,000 unless the estate of the
20 decedent is solvent and a special order of court has been obtained.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **(II)** **THE ESTATE IS UNDER MODIFIED ADMINISTRATION AND**
5 **THE PERSONAL REPRESENTATIVE INCLUDES THE EXPENSES ON THE FINAL REPORT**
6 **REQUIRED UNDER § 5-707 OF THIS ARTICLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.