

## Chapter 443

**(House Bill 624)**

AN ACT concerning

**Estates and Trusts – Funeral Expenses Allowance – Modified Administration**

FOR the purpose of increasing the maximum amount that a court may allow for certain funeral expenses; establishing that, if an estate is solvent, a personal representative is not required to obtain an allowance by the court for funeral expenses if the estate is under modified administration and the funeral expenses are included on a certain report; providing for the application of this Act; and generally relating to an allowance for funeral expenses.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 8–106

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

**Article – Estates and Trusts**

8–106.

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 12, 2015.**