

HOUSE BILL 444

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8lr2019
CF SB 348

By: **Delegates West and Kelly**

Introduced and read first time: January 25, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2018

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Contesting Validity of Revocable Trust – Limitation**

3 FOR the purpose of requiring that a person commence a judicial proceeding to contest the
4 validity of a trust that was revocable at the death of the settlor within a certain
5 period; providing for the application of this Act; and generally relating to revocable
6 trusts.

7 BY adding to

8 Article – Estates and Trusts

9 Section 14.5–605

10 Annotated Code of Maryland

11 (2017 Replacement Volume)

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

14 **Article – Estates and Trusts**

15 **14.5–605.**

16 **A PERSON SHALL COMMENCE A JUDICIAL PROCEEDING TO CONTEST THE**
17 **VALIDITY OF A TRUST THAT WAS REVOCABLE AT THE DEATH OF THE SETTLOR**
18 **WITHIN THE EARLIEST OF:**

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 **(1) 1 YEAR AFTER THE DEATH OF THE SETTLOR; OR**

2 **(2) 6 MONTHS AFTER THE TRUSTEE SENDS THE PERSON A COPY OF**
3 **THE TRUST INSTRUMENT AND A NOTICE INFORMING THE PERSON OF THE**
4 **EXISTENCE OF THE TRUST, THE NAME AND ADDRESS OF THE TRUSTEE, AND THE**
5 **TIME ALLOWED FOR COMMENCING A PROCEEDING.**

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.