

# HOUSE BILL 788

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9lr0947

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By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – De Minimis Check or Instrument Payable to Closed Estate**  
3 **– Presumption of Abandonment**

4 FOR the purpose of authorizing a personal representative of a decedent's estate, following  
5 the discovery of certain sums not exceeding a certain amount and payable by a  
6 certain instrument after an estate is closed and the appointment of the personal  
7 representative is terminated, to provide proof to a certain holder of the property that  
8 the estate has been closed and that, in accordance with certain provisions of this Act,  
9 the property may be presumed abandoned; providing that, notwithstanding certain  
10 provisions of law governing abandoned property, certain sums not exceeding a  
11 certain amount and payable by a certain instrument to a decedent whose estate has  
12 been closed or payable to the estate of that decedent are presumed abandoned as of  
13 a certain date; defining a certain term; making stylistic changes; and generally  
14 relating to the administration of decedents' estates and the disposition of abandoned  
15 property.

16 BY repealing and reenacting, with amendments,  
17 Article – Estates and Trusts  
18 Section 10–104  
19 Annotated Code of Maryland  
20 (2017 Replacement Volume and 2018 Supplement)

21 BY adding to  
22 Article – Commercial Law  
23 Section 17–307.2  
24 Annotated Code of Maryland  
25 (2013 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Estates and Trusts**

10–104.

(A) [If] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF property is discovered after an estate [has been] IS closed and the appointment of the personal representative [has been] IS terminated [pursuant to] IN ACCORDANCE WITH § 10–101 of this subtitle, the court, [upon] ON petition of an interested person and [upon such] ON ANY notice as [it] THE COURT may direct, may appoint the same or a successor personal representative and make other appropriate orders.

(B) Further proceedings shall be conducted [pursuant to] IN ACCORDANCE WITH the provisions of the estates of decedents law as may be applicable, but no claim previously barred may be asserted in the reopened administration.

(C) (1) IN THIS SUBSECTION, “HOLDER” HAS THE MEANING STATED IN § 17–101 OF THE COMMERCIAL LAW ARTICLE.

(2) IF A SUM LESS THAN \$100, PAYABLE ON A CHECK CERTIFIED IN THIS STATE OR A WRITTEN INSTRUMENT ISSUED IN THIS STATE ON WHICH A BANKING OR FINANCIAL ORGANIZATION OR BUSINESS ASSOCIATION IS DIRECTLY LIABLE, IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE IS TERMINATED IN ACCORDANCE WITH § 10–101 OF THIS SUBTITLE, THE PERSONAL REPRESENTATIVE MAY:

(I) PROVIDE PROOF TO THE HOLDER THAT THE ESTATE IS CLOSED; AND

(II) INFORM THE HOLDER THAT, IN ACCORDANCE WITH § 17–307.2 OF THE COMMERCIAL LAW ARTICLE, THE PROPERTY MAY BE PRESUMED TO BE ABANDONED.

**Article – Commercial Law****17–307.2.**

(A) THIS SECTION APPLIES TO INSTRUMENTS PAYABLE TO:

(1) A DECEDENT WHOSE ESTATE HAS BEEN CLOSED; OR

(2) THE ESTATE OF THE DECEDENT.

(B) NOTWITHSTANDING §§ 17–301 THROUGH 17–307.1 AND § 17–308 OF THIS SUBTITLE, ANY SUM LESS THAN \$100, PAYABLE ON A CHECK CERTIFIED IN THIS

1 STATE OR ON A WRITTEN INSTRUMENT ISSUED IN THIS STATE ON WHICH A BANKING  
2 OR FINANCIAL ORGANIZATION OR BUSINESS ASSOCIATION IS DIRECTLY LIABLE, IS  
3 PRESUMED ABANDONED ON THE DATE THAT THE HOLDER RECEIVES PROOF THAT  
4 THE ESTATE OF THE DECEDENT TO WHOM THE CHECK IS PAYABLE IS CLOSED.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2019.