

SENATE BILL 467

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11r2219

By: **Senator West**

Introduced and read first time: January 20, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Administration of Estates – Payment of Commissions and**
3 **Attorney’s Fees**

4 FOR the purpose of requiring, rather than authorizing, the payment of certain commissions
5 to personal representatives and attorney’s fees to be made without court approval
6 under certain circumstances; and generally relating to the payment of commissions
7 and attorney’s fees in the administration of estates.

8 BY repealing and reenacting, with amendments,
9 Article – Estates and Trusts
10 Section 7–604
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2020 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 7–604.

17 (a) Payment of commissions to personal representatives under § 7–601 of this
18 subtitle, and attorney’s fees under § 7–602 of this subtitle [may] **SHALL** be made without
19 court approval if:

20 (1) (i) Each creditor, who has filed a claim that is still open, and all
21 interested persons consent in writing to the payment;

22 (ii) The combined sum of the payments of commissions and
23 attorney’s fees does not exceed the amounts provided in § 7–601 of this subtitle; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) The signed written consent form states the amounts of the
2 payments and is filed with the register of wills; or

3 (2) (i) The fee is paid to an attorney representing the estate in litigation
4 under a contingency fee agreement signed by the decedent or the current personal
5 representative of the decedent's estate;

6 (ii) The fee does not exceed the terms of the contingency fee
7 agreement;

8 (iii) A copy of the contingency fee agreement is on file with the
9 register of wills; and

10 (iv) The attorney files a statement with each account stating that the
11 scope of the representation by the attorney does not extend to the administration of the
12 estate.

13 (b) When rendering accounts, the personal representative shall designate any
14 payment made under this section as an expense.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2021.