

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 80

(Senator West)

Judicial Proceedings

Judiciary

Estates and Trusts - Appointment of Personal Representative - Objections

This bill alters a provision in the notice of appointment of the personal representative of an estate, published by the register of wills, by limiting those whom the notice indicates may object to the appointment to “all interested persons or unpaid claimants” rather than “all persons.”

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law:

Registers of Wills

In general, the registers of wills in each of the State’s 24 jurisdictions are responsible for the administration of estates by admitting wills to probate and issuing letters of administration, auditing accounts, and maintaining accurate records of all estate matters. The registers also serve as clerks of the orphans’ courts.

Notice of Appointment of the Personal Representative

Section 7-103 of the Estates and Trusts Article specifies that, after the appointment of a personal representative of an estate, the register must have a notice of the appointment published in a newspaper of general circulation in the county of appointment once a week in three successive weeks (1) announcing the appointment and address of the personal representative; (2) indicating that all persons having any objection to the appointment (or to the probate of the will of the decedent) must file an objection with the register of wills on or before six months from the date of the appointment of the personal representative; and (3) notifying creditors of the estate to present their claims, as specified. Also, the Maryland Rules require the register of wills to deliver copies of the first publication of notice of appointment to all “interested persons” and “creditors” (known or discovered) by the personal representative, as specified.

Definitions – Persons, Interested Persons, and Unpaid Claimants

Maryland Rules specify that, a “person” includes any individual, partnership, joint stock company, unincorporated association or society, municipal or other corporation, the State, its agencies or political subdivisions, any court, or any other governmental entity.

An “interested person” is defined in the statute as (1) a person named as executor in a will; (2) a person serving as personal representative after judicial or administrative probate; (3) a legatee in being, not fully paid, whether the legatee’s interest is vested or contingent; (4) an heir even if the decedent dies testate, except that an heir of a testate decedent ceases to be an interested person when the register has given specified notice; or (5) an heir or legatee whose interest is contingent solely on whether some other heir or legatee survives the decedent by a stated period if the other heir or legatee has died with that period.

“Unpaid claimant” is not defined in the statute; however, a person who files a claim against the estate of a decedent for an amount that is unpaid is referred to as a claimant or a creditor under Title 8 of the Estates and Trusts Article.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 326 (Delegate Cardin) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Register of Wills; Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2024
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