

HOUSE BILL 1258

N2

4lr2183

By: **Delegate Embry**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Estate Administration – Publication of Notice**

3 FOR the purpose of requiring the registers of wills for each county and Baltimore City to
4 coordinate to establish a certain website; altering certain requirements for
5 publication of notice relating to the appointment of a personal representative, a
6 request for judicial probate, and estates administered by a foreign personal
7 representative; repealing the requirement that a foreign personal representative
8 record a certain certification with the register; and generally relating to estate
9 administration and requirements for publication of notice.

10 BY adding to

11 Article – Estates and Trusts
12 Section 2–208(l)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Estates and Trusts
17 Section 2–210, 5–403, 5–503, 7–103, 7–104, and 9–112
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

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

22 **Article – Estates and Trusts**

23 2–208.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(L) THE REGISTER OF EACH COUNTY AND BALTIMORE CITY SHALL COORDINATE TO ESTABLISH AND MAINTAIN A CENTRALIZED WEBSITE FOR USE BY ALL REGISTERS TO PUBLISH NOTICE AS REQUIRED UNDER THIS ARTICLE.

2-210.

Within five days after [receiving the text of the first published newspaper notice] THE INITIAL WEBSITE PUBLICATION OF NOTICE as provided in § 7-103 of this article [and the written notice from the personal representative of the names and addresses of the heirs and legatees as provided in § 7-104 of this article], the register shall forward to each [such person] HEIR AND LEGATEE a copy of the [newspaper] WEBSITE notice published according to § 7-104 of this article, in the manner prescribed in § 1-103(a) of this article, directed according to the information received from the personal representative.

5-403.

(a) (1) Notice that judicial probate has been requested shall be given promptly by the register to all interested persons as shown in the documents in the register's file.

(2) The petitioner shall advise the register of the names and addresses of all interested persons of whom the petitioner learns before the granting of judicial probate, and the register shall give notice to the persons in the manner prescribed by § 1-103(a)(1) of this article.

(3) In addition, the register shall publish a notice [in a newspaper of general circulation in the county where judicial probate is requested, once a week] ON THE CENTRALIZED WEBSITE ESTABLISHED UNDER § 2-208 OF THIS ARTICLE for 2 [successive] weeks.

(b) The notice required by this section shall be in the following form:

IN THE ORPHANS COURT FOR

In re:

ESTATE OF

.....

Deceased

TO ALL PERSONS INTERESTED IN THE ESTATE OF

..... :

YOU ARE HEREBY NOTIFIED THAT A Petition has been filed in the court by

..... for judicial probate, including the appointment of a personal

representative for the estate; and that the Petition will be heard at on the

day of, 20..., or at a subsequent time or other place to which the hearing may be adjourned or transferred.

.....

Register of Wills

1 5–503.

2 (a) As used in this subtitle, “leasehold property” refers only to a leasehold interest
3 in real property.

4 (b) [A foreign personal representative shall:]

5 (1) [Publish once a week for 3 successive weeks a notice in a newspaper of
6 general circulation in each county in which real or leasehold property of the decedent was
7 located, containing] **THE REGISTER SHALL, FOR 3 WEEKS, PUBLISH ON THE**
8 **CENTRALIZED WEBSITE ESTABLISHED UNDER § 2–208 OF THIS ARTICLE NOTICE**
9 **CONTAINING THE FOLLOWING INFORMATION REGARDING A FOREIGN PERSONAL**
10 **REPRESENTATIVE AND THE ESTATE REPRESENTED:**

11 (i) The foreign personal representative’s appointment;

12 (ii) The foreign personal representative’s name and address;

13 (iii) The name and address of the foreign personal representative’s
14 Maryland agent for service of process on file with the register in each county where real or
15 leasehold property was located;

16 (iv) The name of the court that appointed the foreign personal
17 representative;

18 (v) A brief description of all real and leasehold property owned by
19 the decedent in the county;

20 (vi) The date of the decedent’s death; and

21 (vii) The following statement: All persons having claims against the
22 decedent must present their claims to the undersigned, or file them with the register of
23 wills on or before the earlier of the following dates:

24 1. 6 months from the date of the decedent’s death; or

25 2. 2 months after the foreign personal representative mails
26 or otherwise delivers to the creditor a copy of this published notice or other written notice,
27 notifying the creditor that the creditor’s claim will be barred unless the creditor presents
28 the claim within 2 months from the mailing or other delivery of the notice[;].

29 (2) [Record in each appropriate office of the register a certification that the
30 foreign personal representative has published notice as required; and

(3)] Promptly after a proceeding under this subtitle has been instituted, A
FOREIGN PERSONAL REPRESENTATIVE SHALL comply with the provisions of § 7–103.1
of this article.

(c) (1) Within the time periods provided under subsection (b) of this section, a
creditor may file with the register a written statement of the creditor’s claim, in the form
set forth in § 8–104(c) of this article, and if a foreign personal representative has instituted
a proceeding under this subtitle deliver or mail a copy of the statement to the personal
representative.

(2) (i) The register shall maintain a book known as the “Claims Against
Nonresident Decedents” book in which every claim and release shall be recorded.

(ii) Unless and until a release of a validly recorded claim has been
recorded, or the claim has finally been determined in favor of the personal representative,
the claim shall constitute a lien against the real and leasehold property owned by the
decendent in the county at the time of death for a period of 12 years from date of death.

(iii) If the personal representative is empowered by the will to sell the
property the claim shall constitute a lien against the net proceeds from the sale.

7–103.

(a) [(1)] After the appointment of a personal representative, the register shall
[have a notice of the appointment published in a newspaper of general circulation in the
county of appointment once a week in 3 successive weeks], **FOR 3 WEEKS, PUBLISH
NOTICE ON THE CENTRALIZED WEBSITE ESTABLISHED UNDER § 2–208 OF THIS
ARTICLE**, announcing the appointment and address of the personal representative, and
notifying creditors of the estate to present their claims.

[(2) The personal representative shall file or have filed with the register a
certification that a notice has been published.]

(b) The notice of appointment shall be substantially in the following form:

“To all persons interested in the estate of:

This is to give notice that the undersigned, whose address is was, on
....., appointed personal representative of the estate of who died on (with)
(without) a will.

All persons having any objection to the appointment (or to the probate of the will of
the decedent) shall file the same with the register of wills on or before 6 months from the
date of the appointment.

All persons having claims against the decedent must present their claims to the
undersigned, or file them with the register of wills on or before the earlier of the following
dates:

(1) 6 months from the date of the decedent's death; or

(2) 2 months after the personal representative mails or otherwise delivers to the creditor a copy of this published notice or other written notice, notifying the creditor that the creditor's claim will be barred unless the creditor presents the claim within 2 months from the mailing or other delivery of the notice.

Any claim not filed on or before that date, or any extension provided by law, is unenforceable thereafter.

.....
Personal representative

Date of first publication:

.....”.

7–104.

(a) Not later than 20 days after the appointment of a personal representative, the personal representative shall deliver to the register the text of the first published [newspaper] **WEBSITE** notice of the appointment and shall advise the register of the names and addresses of the heirs of the decedent and of the legatees to the extent known by the personal representative, so that the register may issue the notices provided in § 2–210 of this article.

(b) The provisions of this section do not apply to a successor personal representative if notice under this section has been given previously, or to a person appointed pursuant to judicial probate.

9–112.

(a) (1) If the personal representative cannot obtain agreement from all interested persons entitled to share in the distribution of the property, the personal representative may apply to the court to make distribution.

(2) The court shall designate a day and direct the giving of notice to all interested persons concerned.

(3) The court may appoint two disinterested individuals, not related to the interested persons to make an appropriate division for distribution, or recommend to the court a sale of part or all of the property, and the court shall direct the distribution it considers appropriate.

(b) If a majority in relation to value fails to appear on the appointed day, or appear and object to the distribution suggested, or if the court considers a sale of part or all of the property more appropriate and advantageous, the personal representative shall make the sale or sales and divide the proceeds, together with unsold property, as the court directs.

(c) If the personal representative has reason to believe that there may be one or more interested persons whose names or addresses are not known to the personal representative, or if it is not known to the personal representative if an interested person

1 is still surviving, the personal representative may appoint a meeting of all interested
2 persons to be held on a day the court designates.

3 (d) (1) The personal representative shall give notice to all interested persons
4 known to the personal representative, and **THE REGISTER** shall, **FOR 3 WEEKS**, publish a
5 notice of the meeting [once a week in 3 successive weeks, in a newspaper of general
6 circulation in the county of the personal representative's appointment,] **ON THE**
7 **CENTRALIZED WEBSITE ESTABLISHED UNDER § 2-208 OF THIS ARTICLE** stating the
8 time, date, place, and purpose of the meeting which shall be held no sooner than 20 days
9 after the first publication.

10 (2) The personal representative shall also take other steps and make other
11 efforts to learn the names and addresses of additional interested persons as the court
12 considers appropriate under the circumstances.

13 (e) (1) On the date of the meeting, distribution of the net estate shall be made
14 under the direction and control of the court.

15 (2) Distribution by the personal representative in accordance with the
16 direction of the court at the meeting protects and indemnifies the personal representative
17 acting in obedience to it.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.