

HOUSE BILL 543

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0lr2665
CF SB 151

By: **Delegates Bhandari, Arian, Bagnall, Cardin, Charles, Cullison, Forbes, Henson, Hettleman, Jalisi, Johnson, Kipke, Pena-Melnyk, Rosenberg, and C. Watson**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Closed Estates – Subsequent Discovery of Check**

3 FOR the purpose of authorizing a court, following the discovery of a check to a decedent or
4 the estate of a decedent payable for a sum not exceeding a certain amount after the
5 estate is closed and the appointment of the personal representative is terminated, to
6 enter an order authorizing a certain interested person to indorse and deposit the
7 check into the interested person's bank account for a certain purpose under certain
8 circumstances; providing that a hearing is not required before a court may enter the
9 order authorized under this Act, subject to certain exceptions; making stylistic
10 changes; and generally relating to the administration of decedents' estates.

11 BY repealing and reenacting, with amendments,
12 Article – Estates and Trusts
13 Section 10–104
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2019 Supplement)

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

18 **Article – Estates and Trusts**

19 10–104.

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.



(a) [If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF property is discovered after an estate has been closed and the appointment of the personal representative has been terminated [pursuant to] UNDER § 10–101 of this subtitle, the court, on petition of an interested person and on [such] 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) ~~IF SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A CHECK PAYABLE TO A DECEDENT OR THE ESTATE OF A DECEDENT FOR A SUM NOT EXCEEDING \$1,000 IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE HAS TERMINATED UNDER § 10–101 OF THIS SUBTITLE, ON A VERIFIED REQUEST PETITION MADE BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER AUTHORIZING THE INTERESTED PERSON TO INDORSE AND DEPOSIT THE CHECK INTO THE INTERESTED PERSON’S BANK ACCOUNT FOR THE LIMITED PURPOSE OF DISTRIBUTING THE FUNDS IN ACCORDANCE WITH THE WILL OR, IF THE DECEDENT DIED INTESTATE, IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THIS ARTICLE.~~

(2) (i) UNLESS REQUESTED BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHOUT A HEARING.

(ii) THE COURT MAY NOT ENTER AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

1. THE ESTATE OF THE DECEDENT WAS INSOLVENT WHEN IT WAS CLOSED;

2. THE CHECK DISCOVERED AFTER THE ESTATE WAS CLOSED INCREASES THE VALUE OF THE ESTATE ABOVE THE VALUE THAT QUALIFIES UNDER § 5–601 OF THIS ARTICLE FOR ADMINISTRATION AS A SMALL ESTATE; OR

3. ANY ADDITIONAL FEES AND INHERITANCE TAXES DUE AS A RESULT OF THE DISCOVERED CHECK ARE NOT PAID WITH THE PETITION.

(iii) THE DISTRIBUTION OF FUNDS BY AN INTERESTED PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MADE WITHIN 60 DAYS AFTER THE COURT’S ORDER AUTHORIZING THE DISTRIBUTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.