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# Check List and Basic Guide to the Administration of Decedents' Estates under New Article 93, Revised to July 1, 1973, Together with a Summary of Pertinent 1973 Session Laws of the General Assembly of Maryland and an Appendix of Forms

James G. McCabe  
*Maryland National Bank*

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CHECK LIST AND BASIC GUIDE TO THE ADMINISTRATION OF DECEDENTS' ESTATES UNDER NEW ARTICLE 93, REVISED TO JULY 1, 1973, TOGETHER WITH A SUMMARY OF PERTINENT 1973 SESSION LAWS OF THE GENERAL ASSEMBLY OF MARYLAND AND AN APPENDIX OF FORMS\*

James G. McCabe†

Editor's Note

*In 1969, the Maryland General Assembly enacted a new testamentary law for the state which is, in effect, a modified version of the Uniform Probate Code and is now codified as Article 93 of the Maryland Annotated Code. Generally acclaimed as one of the most significant acts of legislation in recent Maryland history, the new Article 93 reflects an accommodation of a few radical changes within the time honored body of estate law. Certain probate procedures, in particular, have undergone significant revision.*

*The following Check List and Basic Guide to the Administration of Decedents' Estates represents one institution's efforts at providing a "road map" for compliance with the procedural requirements for probate and administration under the new law. Recognizing the intrinsic value of this document, both for the young lawyer and for the more experienced members of the practicing bar who may not be familiar with the new procedures, the Board of Editors decided that it was deserving of general distribution. For their kind permission to reprint the Check List and Guide, the Board is grateful to Mr. James G. McCabe and the Trust Department of Maryland National Bank.*

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† A.B., 1933, The Johns Hopkins University; L.L.B., 1936, University of Maryland; Vice President and Senior Trust Officer, Trust Department, Maryland National Bank; Member of the Maryland Bar.

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#### NOTE

As a matter of expediency the forms set out herein as Appendices I, II, III, IV, V, VI, VII, VIII, IX, XVII and XVIII are those used by the Register of Wills for Baltimore City. Although the Registers of the several Counties and Baltimore City have been working toward the use of uniform forms, this goal has not as yet been achieved. As a consequence, the Register of certain Counties may require the use of forms differing slightly from those set out herein and it is suggested that, in the case of a County administration, appropriate forms be obtained from the Register in question. Appendices X, XI, XII, XIII and XVI are those for which the Register of Wills for Baltimore City has no forms and are simply forms suggested by the author. Appendix XIV is clearly called for as to First Administration Accounts under Section 1-102 as to verification; Section 7-301 as to notice to interested persons; and under Chapter 199 of the Acts of 1973, repealing and re-enacting Section 7-302 as to the certificate required thereunder for initial Accounts. Appendix XV would be appropriate for Subsequent Accounts as no certificate in respect to Section 7-302 is required therefor. The Register of Wills for Baltimore City has not as yet adopted Appendix XIV officially as to First Accounts but is expected to do so. He has likewise not yet limited the use of Appendix XV to Subsequent Accounts but is also expected to do so.

*Laws enacted at 1973 Session of the General Assembly of Maryland affecting the administration of decedents' estates as known to author at this time*

Chapter 199 (SB 319)\*—Clarifies Art. 93, Sect. 7-302 as to certificate required of a Personal Representative on his initial Administration Account.

Chapter 405 (SB 478)\*—Amends Art. 93, Sect. 7-103. Provides for the transfer of the duty to publish the notice of a Personal Representative's appointment from the Personal Representative to the Register of Wills.

Chapter 417 (SB 597)\*—Amends Art. 93, Sect. 8-105. Changes the order of priority for the payment of a decedent's funeral expenses from second to third priority. Funeral expenses are third in order after:

- a. Fees due the Register and;
- b. Costs and expenses of administration.

But Executor's Commissions and Counsel Fees are now in fourth position of priority instead of third as before.

Chapter 435 (SB 792)\*—Adds a new Sub-Section to Art. 21, Sect. 5-116. Provides that where a trust has been created by conveyance, deed, covenant, devise or bequest of any property, real or personal, in which the Trustee has duties, other than nominal, to perform at the inception of or during the term of the trust, but later because of the death of a life tenant or other occurrence, the trust is terminated or there remains only nominal duties to perform, the legal estate in the corpus of the trust shall then vest in the beneficiaries of such trust, even though the instrument creating the same shall specifically require a conveyance or assignment of the same, unless the trustee shall be required to make partition or division by the terms of the creating instrument.

Chapter 535 (HB 360)\*\*—a. Amends Art. 93, Sects. 7-201(b) and 7-203. Eliminates requirement that Personal Representative, when filing an Inventory or Supplemental Inventory, file a certificate along with it to the effect that he has notified interested persons of the impending filing. (This, along with Art. 93, Sect. 501, now obviates the necessity of notifying interested persons of the filing of Inventories).

—b. Makes certain changes in requirement in Art. 93, Sect. 8-107(a) that Personal Representative notify creditors by mail as to the fate of their claims. The new statute preserves the 60 day period for disallowed claim-

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\* Effective July 1, 1973 and therefore apparently applicable to all Estates regardless of date of decedent's death.

\*\* Effective July 1, 1973 but only as to decedents dying on or after that date.

ant to petition Court or be barred. See No. 19 on Check List for discussion of this change.

—c. Amends Art. 93, Sect. 7-304(b)(1). Provides how a Personal Representative may obtain funds for the payment of taxes, ordinary repairs and other expenses of management during administration in relation to specific legacies where income therefrom is not sufficient to pay same.

—d. Amends Art. 93, Sect. 9-103. Changes the order in which legacies abate.

Chapter 543 (HB 492)\*—Amends Art. 93, Sect. 3-104. Provides, in connection with "Intestate Succession", that step-children shall inherit, where there is no blood relation, before the Estate shall be paid to the Board of Education.

Chapter 651 (HB 299)\*—This Act, generally speaking, reduces the historic age of majority from 21 years of age to 18 years of age as to both males and females. It is simple in concept but is somewhat complex in application in certain areas. Attention is called to Sect. 51 which states that the Act shall **be construed only prospectively**. It affects Art. 93 to a degree (see Sects. 1-101(f), 3-201, 3-204, 5-104(b), 9-109 and 11-108(a)) but more particularly affects Art. 93A and other Articles of the Code.

Chapter 685 (SB 465)\*—Amends Art. 93, Sect. 2-210(c). Provides for the recording by the Register of Wills of all papers filed in the administration of a decedent's Estate upon approval of Final Account. Formerly only Inventories and Administration Accounts were so recorded.

Chapter 812 (HB 889)\*\*—Amends Art. 81, Sects. 149 and 150. Provides that step-children and step-parents shall not be treated as collaterals for inheritance tax purposes; provides further that the spouse of a lineal descendant, who is joint owner of a savings account with the decedent, is likewise to be taxed at a 1% rate, rather than 7-1/2%, for inheritance tax purposes, on a single joint savings account which has less than \$2,000 therein.  
Estate of \_\_\_\_\_  
Date of Death \_\_\_\_\_

#### CHECK LIST FOR ADMINISTRATIVE PROBATE

\_\_\_\_\_ 1. *Petition for Probate* Date Filed \_\_\_\_\_  
See Sections 5-201, 5-202, 5-203, 5-204, 5-205 and 5-206 for preparation and content.

\* Effective July 1, 1973 and therefore apparently applicable to all Estates regardless of date of decedent's death.

\*\* Effective July 1, 1973 but only as to decedents dying on or after that date.

Present to Register. Not to Orphans Court.

The petitioner need not appear in person before the Register. (See Opinion of the Attorney General, Item 5, appearing in Daily Record of May 2, 1970.) (A specimen form of petition is set out in Appendix I.)

\_\_\_\_\_ 2. *Witnesses*

Verify that Will appears duly executed and contains a proper attestation clause so that neither a verification by a third person nor the witnesses themselves need be produced. See Section 5-303.

\_\_\_\_\_ 3. *Proof of Custody*

Separate proof of custody forms are no longer required. Custody of the Will is explained in Par. 5 of the Petition for Probate. See Section 5-206.

\_\_\_\_\_ 4. *Acceptance of Appointment and Consent to Service*

Date Filed \_\_\_\_\_

As a condition to the grant of letters a Personal Representative must first file a statement of acceptance of the duties of the office and a written consent to personal jurisdiction in any legal action brought in Maryland against the Personal Representative where service is made upon him, in accordance with the Maryland Rules, at his address shown in the proceedings. See Section 6-101.

These should accompany the Petition for Probate. (A specimen form is set out in Appendix II.)

\_\_\_\_\_ 5. *Bond*

Each individual Executor or Co-Executor must give bond as a further condition to the grant of letters. The rules are substantially the same as under the old practice. An excuse from giving bond by the terms of a Will, as before, will not eliminate the necessity for giving bond but will simply minimize it. The bond penalty may also be minimized by the consent of all interested persons if the Will does not excuse bond. The amount of the bond will be set initially by the Register upon oral representation as to the size of the personal estate. When the Inventory is filed, if the original estimate was too low, the Register may insist that the bond be increased. See Sections 6-101 and 6-102; also Opinion of Attorney General, Item 6, appearing in Daily Record of May 2, 1970.

\_\_\_\_\_ 6. *Letters Granted on* \_\_\_\_\_, 197\_\_\_\_\_

(See Appendix III for specimen form of Order used by the Register of Wills for Baltimore City.)

\_\_\_\_\_ 7. *Insert Notice of Appointment in Newspaper Immediately After Grant of Letters*

Name of Newspaper \_\_\_\_\_

Date of First Insertion \_\_\_\_\_

Date of Second Insertion \_\_\_\_\_

Date of Third Insertion \_\_\_\_\_

Pursuant to the provisions of Section 7-103, *as amended by SB-478, now designated as Chapter 405 of the Laws of 1973*, the Register of Wills (instead of the Personal Representative as formerly) shall, after the appointment of the Personal Representative, cause a notice to be published in a newspaper of general circulation in the County of the appointment once a week for three successive weeks announcing the appointment and address of the Personal Representative. The notice is given to persons who may object to the appointment and to creditors. Obtain a copy for file and enough extra so as to be able to file one copy with the Register and to supply him with enough copies for the heirs and legatees. See 8 below.

(A specimen form of Notice is sent out in Appendix V.)

\_\_\_\_\_ 8. *Give Register:*

a. *Copy of published Notice of Appointment*

Date Filed \_\_\_\_\_

This should be filed within 20 days of date of appointment. As a practical matter the Register should also be given a copy for each legatee and heir. See Section 7-104.

\_\_\_\_\_ b. *List of Legatees and Heirs with Addresses*

Date Filed \_\_\_\_\_

This list should be filed at the same time and along with the copy of the published notice referred to in (a) above. See Section 7-104 and Section 2-209.

(A specimen form of List is set out in Appendix VI.)

\_\_\_\_\_ c. *Certification of Publication* Date Filed \_\_\_\_\_

Upon completion of the third insertion of the Notice of Appointment in the newspaper, the Personal Representative should file or cause to be filed with the Register a certification that a Notice of his appointment has been published. See Section 7-103, *as amended by Chapter 405 of the Laws of 1973*.

(A specimen form of Certification is set out in Appendix VII.)

\_\_\_\_\_ 9. *Verify That Register has Given Notice by Mail to Heirs and Legatees* Date Notice Given \_\_\_\_\_

Section 2-209 requires the Register, within 5 days after receiving the copy of the newspaper notice referred to in No. 8(a) above, to send a copy of the newspaper notice to each heir and legatee so as to give him or her actual notice of the appointment of the Personal Representative and thereby an opportunity to object.

Section 1-103 requires that this notice shall be sent by the Register by either registered or certified mail, postage prepaid, return receipt requested, addressed to the addressee at the ad-

dress last known to the sender, with delivery restricted to the addressee. See Opinion of the Attorney General, Item 1, appearing in Daily Record of May 2, 1970 and Section 2-209.

This notice may be waived, however. See Section 1-103 and Opinion of the Attorney General, Item 7, appearing in Daily Record of May 2, 1970.

It is important to verify that the Register has given proper notice by checking the returned receipts in his file.

- \_\_\_\_\_ 10. *Information Report as to Jointly Owned Property, Other Interests Less than Absolute and Transfers made Within Two Years of Death* Date Filed \_\_\_\_\_

Every Personal Representative must file this Information Report with the Register of Wills within 3 months after the grant of his letters. See Article 81, Section 155.

(A specimen form of this Information Report is set out as Appendix VIII.)

- \_\_\_\_\_ 11. *Appraisal of Assets*
- \_\_\_\_\_ Real#
- \_\_\_\_\_ Leasehold#
- \_\_\_\_\_ Stocks listed on national or regional exchange##
- \_\_\_\_\_ Closely held stocks#
- \_\_\_\_\_ Bonds##
- \_\_\_\_\_ Notes due decedent##
- \_\_\_\_\_ Other debts due decedent##
- \_\_\_\_\_ Household chattels#
- \_\_\_\_\_ Farm or business chattels#
- \_\_\_\_\_ Jewelry#
- \_\_\_\_\_ Miscellaneous#

# *Must* be appraised by two appraisers appointed by the Register or by a qualified special appraiser employed by the Personal Representative.

## *May* be appraised by Personal Representative himself.

See Sections 7-201(a) and 7-202; also Opinion of the Attorney General appearing in the Daily Record of July 17, 1970.

- \_\_\_\_\_ 12. *Prepare Inventory*
- Must be filed within 3 months of appointment. See Section 7-201(a) and (b), *the latter as amended by HB 360, now designated as Chapter 535 of the Laws of 1973.*

Must be verified. See Section 1-102.

- \_\_\_\_\_ 13. *Notice to Interested Persons of Filing of Inventory No Longer Required*

As the result of Section 7-201(b) having been *amended by HB-360, now designated as Chapter 535 of the Laws of 1973*, which eliminates the requirement that an Inventory include a certificate that all interested persons had been notified of the Inventory's impending filing, notice need no longer be given



anyone that an Inventory is being filed. Section 7-501 was amended at the 1971 Session of the General Assembly to provide that notice to interested persons need be given only as to the filing of Accounts, instead of Accounts and Inventories as the statute was originally written. The 1971 Session failed, however, to eliminate the requirement in Section 7-201(b) that notice be given to interested persons as to the filing of Inventories notwithstanding the passage of the 1971 amendment to Section 7-501. Now that Section 7-201(b) has been appropriately amended to cure this omission at the 1973 Session NOTICE NEED NO LONGER BE GIVEN ANYONE IN RESPECT TO THE FILING OF AN INVENTORY.

Good practice would call for a copy of the Inventory to be sent to principal legatees even though it need not be done prior to its filing.

\_\_\_\_\_ 14. *File Inventory with Register*                      Date Filed \_\_\_\_\_

Within 3 months of appointment the Personal Representative shall file the Inventory with the Register of Wills. A certificate of notice to interested persons should no longer be included in or filed with the Inventory. See Section 7-201(a) and (b), *the latter as amended by Chapter 535 of the Laws of 1973*. (See Appendix IX for specimen form.)

\_\_\_\_\_ 15. *Notice to Interested Persons of the Filing of a Supplemental Inventory No Longer Required*

Section 7-203, *as amended by HB-360, now designated as Chapter 535 of the Laws of 1973*, eliminates the prior requirement that a supplemental Inventory include a certificate that notice had been given to all interested persons as to its impending filing. This amendment, coupled with Section 7-501, relieves the Personal Representative from having to give notice to anyone before filing a supplemental Inventory.

\_\_\_\_\_ 16. *File Supplemental Inventory*                      Date Filed \_\_\_\_\_

All assets known and in hand should be included in the initial Inventory but a supplemental Inventory may be filed where additional property is discovered. A certificate of notice to interested persons is no longer required. See Section 7-203, *as amended by HB-360, now designated as Chapter 535 of the Laws of 1973*.

\_\_\_\_\_ 17. *Revision of Inventory*

Date of Order Revising Inventory \_\_\_\_\_

Either the State or any interested person may, at any time before estate is closed, petition the Court for revision of any value assigned to any item in the Inventory. See Section 7-204. The language of the statute, unlike the old law prior to January 1, 1970, permits both the Personal Representative and the State to petition for the reappraisal of any asset rather than re-

quiring an across the board appraisal of all assets. See Opinion of the Attorney General, Item 8, appearing in Daily Record of May 2, 1970. As a practical matter, if the Personal Representative reappraised only the assets with diminished value the Register could, in turn, cause the assets with increased value to be reappraised also. A hearing is required only where the petition is filed by someone other than the Personal Representative.

\_\_\_\_\_ 18. *Check Claims Docket in Register's Office*

Date Checked \_\_\_\_\_

Determine whether any claims have been presented to and docketed by the Register which have not been presented directly to the Personal Representative. See Sections 2-210(a) and 8-104(b).

Except as otherwise provided with respect to claims of the United States, claims of the State of Maryland, claims against the estate for slander arising before the decedent's death, claims based on the conduct of or a contract with a Personal Representative and except as otherwise provided in the last sentence of this paragraph, all claims against a decedent's estate are barred unless presented *within 6 months after the first appointment of a Personal Representative*. If, however, the first newspaper notice referred to in Section 7-103, as amended by Chapter 405 of the Laws of 1973, is not published within 20 days after the first appointment of a Personal Representative, any period in the Sub-title expiring 6 months after the first appointment of a Personal Representative shall automatically be extended by the period between appointment and first publication but excluding the first 20 days. See Section 8-103(a).

(See Appendix XVIII for a specimen form of Claim.)

\_\_\_\_\_ 19. *Allowance or Disallowance of Claims*

*Section 8-107(a)*, dealing with the allowance or disallowance of claims, *has been amended by HB-360, now designated Chapter 535 of the Laws of 1973.*

As the law existed prior to its amendment, the Personal Representative was required to notify unpaid claimants by mail as to the status of their claim, i.e. (i) that the claim had been allowed in a stated amount; (ii) that the claim had been disallowed; or (iii) that the Personal Representative would petition the Court to determine whether the claim should be allowed. The purpose of HB-360 was to eliminate the necessity of the Personal Representative's notifying creditors whose claims had been allowed and to require notice by mail only to those creditors whose claims had been disallowed in whole or in a stated amount and to those creditors about whose claims the Personal Representative intended to petition the Court for determina-

tion. Two words were added to the text of the Bill, however, during its course through the General Assembly, the net result of which was to confuse the amendment. The affected portion of the Bill is quoted below:

If a Personal Representative intends to allow or disallow, in whole or in part, any claim that has been presented within the time limit prescribed in Section 8-103 and in the manner prescribed in Section 8-104(a) and (b), he shall mail a notice to each claimant stating (i) that the claim has been disallowed in whole or in a stated amount; or (ii) that the Personal Representative will petition the Court to determine whether the claim should be allowed.

Obviously the words "allow or", underscored in the above quoted text of the Bill, should not have been inserted as there is no subsequent provision made therein for notice to be mailed to those creditors whose claims the Personal Representative had allowed and intended to pay. It is hoped that this error will be appropriately corrected in a subsequent Session of the General Assembly but, in the meantime, it would appear pointless to send any notice to creditors whose unpaid claims had been allowed and which the Personal Representative intends to pay. It would appear that such notice by mail should be sent only to creditors falling in category (i) or category (ii) in the amended statute.

It would seem that, as this is the first notice by mail received by creditors, it should be sent to them by registered or certified mail in the manner prescribed in the first sentence of Section 1-103.

(A specimen form of notification is set out in Appendix X).

\_\_\_\_\_ 20. *Pay or Provide for Allowed Claims*

Upon expiration of 6 months from the first appointment of a Personal Representative all allowed claims which are due should be paid, unless the Court extends the time for good cause shown. See Section 8-108(a). Section 8-110 provides for the handling of unsecured claims which are not yet due. Section 8-112 provides for the handling of contingent claims and Section 8-111 makes provision for the handling of secured claims. Section 7-502 provides for the payment of debts to a Personal Representative or to counsel for the estate.

\_\_\_\_\_ 21. *File Federal Estate Tax Return and Pay Tax if Any Due*

Date Filed and Paid \_\_\_\_\_

Due within 9 months of date of death.

\_\_\_\_\_ 22. *Petition to Fix Executor's Commission*

Date of Order \_\_\_\_\_

In order to have his commissions allowed in the ensuing account a Personal Representative must petition the Orphans' Court, in reasonable detail, for an Order fixing same. See Section 7-601. Under Section 7-502 an Order Nisi is obtained from the Court allowing the commissions prior to giving the notice referred to in No. 24 below.

It is interesting to note that, in insolvent estates, *SB-597, now designated as Chapter 417 of the Laws of 1973, has amended Section 8-105* by reducing the priority of executors' commissions, along with counsel fees, from third to fourth.

\_\_\_\_\_ 23. *Petition to Allow Counsel Fee*

Date of Order \_\_\_\_\_

In order to have a counsel fee allowed in the ensuing account, a petition must be filed for the purpose, in reasonable detail, by either the lawyer or the Personal Representative. See Section 7-602. Under Section 7-502 an Order Nisi is obtained from the Court, allowing the counsel fee prior to giving the notice referred to in no. 24 below.

No certification by independent counsel as to the reasonableness of the fee is necessary where written consents to the payment requested have been obtained from all interested persons and from each unpaid creditor. See Section 7-502.

Section 8-105 *has been amended by SB-597, now designated as Chapter 417 of the Laws of 1973*, reducing the priority of counsel fees in insolvent estates, along with executors' commissions, from third to fourth.

\_\_\_\_\_ 24. *Notice of Filing Petition for Executor's Commissions*

Date notice given \_\_\_\_\_

\_\_\_\_\_ *and/or Notice of Filing Petition for Counsel Fee*

Date notice given \_\_\_\_\_

The Personal Representative shall give written notice to all interested persons and to all unpaid creditors who have filed claims, of the filing of any petition for commissions or counsel fee. The notice must set forth in reasonable detail the amount requested, the basis therefor and the action of the Court thereon. Unless a request for a hearing is filed within 20 days of the sending of the notice, the Court's Order shall become final. See Section 7-502. "Interested persons" are defined in Section 1-101(f) *as amended by HB-299, now designated as Chapter 651 of the Laws of 1973*.

This notice may be waived, however. See Section 1-103 and Opinion of the Attorney General, Item 7, appearing in Daily Record of May 2, 1970.

(Specimen forms of notice are set out in Appendices XI and XII.)

\_\_\_\_\_ 25. *Prepare First Administration Account*

Must be filed within 9 months of giving the notice of appointment required under Section 7-103, as amended by Chapter 405 of the Laws of 1973. See Sections 7-302, as repealed and reenacted by SB-319, now designated as Chapter 199 of the Laws of 1973, and 7-305(a); also Section 7-304, as amended by HB-360, now designated as Chapter 535 of the Laws of 1973.

Section 7-305(a), as it existed prior to amendment by Chapter 786 of the Laws of 1971, was not clear whether the period of time within which the first account must be filed ran from the first insertion of the notice required by Section 7-103, now amended by Chapter 405 of the Laws of 1973, or from the final insertion of the notice. The 1971 amendment of this Section did not clarify this uncertainty. It should be noted, however, that one of the principal draftsmen of the original statute has advised, in respect to the original statute, that it was intended that the period should begin with the first insertion. There would seem to be no good reason for assuming that the 1971 amendment changed this intent in any way.

Must be verified. See Section 1-102.

\_\_\_\_\_ 26. *Notice of Filing First Administration Account*

Date Notice Given \_\_\_\_\_

Within 15 days next preceding the filing of the First Account the Personal Representative must give notice of such filing, by mail or delivery, to all interested persons. See Section 7-301.

"Interested persons" are defined in Section 1-101(f), as amended by HB-299, now designated as Chapter 651 of the Laws of 1973. Section 1-103 permits the use of regular mail for such notice but has detailed provisions for the address to be used.

Consideration should be given as to advisability of sending a copy of the proposed account to appropriate legatees at the same time so as to foreclose their right to object to the proposed distribution. This right to object terminates if not exercised within 30 days after mailing copy of the proposed distribution. See Section 9-104(d).

One of the principal draftsmen of the statute has advised that Section 9-104(d) was intended to apply only to foreclosing rights to object to the pattern of dividing assets distributed in kind; i.e. relative values of different stocks making up different distributive shares, variances of cost basis among different shares, different maturity dates or interest rates on bonds, etc. and not to any other aspects of the account.

This notice may be waived, however. See Section 1-103 and

Opinion of the Attorney General, Item 7, appearing in Daily Record of May 2, 1970.

(A specimen form of notice of filing account is set out in Appendix XIII).

\_\_\_\_\_ 27. *Excused from Giving Notice*      Date of Order \_\_\_\_\_

The Court may excuse a Personal Representative from giving notice of filing to any of the interested persons for good cause shown. See Section 7-501. This would normally apply where the will contained a long list of inconsequential legacies.

*Names of persons omitted from notice by Order*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_ 28. *File First Administration Account With Register*  
Date Filed \_\_\_\_\_

Within 9 months of giving the notice of appointment required under Section 7-103 of *Chapter 405 of the Laws of 1973* and within 15 days of having given notice of such filing to all interested persons, the Personal Representative shall file his First Administration Account with the Register. See Section 7-305(a).

Although the statute is not explicit, one of the draftsmen of the Statute has advised in the past that the 9 month period referred to above was intended in the original statute to run from the date of the first insertion and there seems to be nothing in the statute, as amended, to indicate a change of intent.

This initial account should be accompanied by a verification and certificate by the Personal Representative (i) verifying that the contents of the account are true and correct in compliance with Section 1-102; (ii) certifying that the Personal Representative has given notice to all interested persons in accordance with Section 7-301 (i.e. that notice has been mailed or delivered to all interested persons within 15 days next preceding the filing of the account); and (iii) certifying that the provisions of Section 7-302, *as repealed and re-enacted by SB-319, now designated as Chapter 199 of the Laws of 1973*, have been complied with.

(A specimen form of certificate to accompany the First Account is set out in Appendix XIV.)

\_\_\_\_\_ 29. *Extension of Time for Filing Account Until*

An extension of the time for filing an Account may be obtained by Petition to the Court for good cause shown. See Section 7-305(b).

\_\_\_\_\_ 30. *Pay Tax on Executor's Commission*

Date Paid \_\_\_\_\_

This tax should be paid to Register at the time when the amount of the commission has been allowed by Court Order. See Section 7-307. Presumably this would, as a practical matter, not be paid until the Order has become final 20 days after giving notice in respect to the commissions.

\_\_\_\_\_ 31. *Pay Inheritance Tax*

Date Paid \_\_\_\_\_

Inheritance tax should be paid to the Register when the account, reflecting the distribution, is filed. See Section 7-307.

\_\_\_\_\_ 32. *Expiration Date for Filing Exceptions to Account*

Date \_\_\_\_\_

All exceptions to an account must be filed with the Register within 30 days of the account's approval by the Court. No exceptions may be filed as to any item which has become final and binding under Section 7-502. Copies of all exceptions shall be mailed by the exceptant to the Personal Representative. See Section 7-501.

\_\_\_\_\_ 33. *Pay Legacies Shown in Account*

A Personal Representative may, but need not be required to, obtain verified releases from legatees. See Section 9-111. Should be paid within time provided for filing first account. See Section 7-101(b).

\_\_\_\_\_ 34. *Extension of Time for Payment of Legacies Until*

Time for payment of legacies may be extended by Order of Court for good cause shown. See Section 7-101(b).

\_\_\_\_\_ 35. *Convey any Real or Leasehold Property Distributed by Account*

Should be conveyed within time provided for filing first account. See Section 7-101(b). Costs payable as a condition of recordation shall be paid by the estate. No State or Local excise taxes of any kind shall be imposed upon the transfer or the recordation. See Section 9-105.

\_\_\_\_\_ 36. *Extension of Time for Making Conveyances Until*

Time for conveying any real or leasehold property may be extended by Order of Court for good cause shown. See Section 7-101(b).

\_\_\_\_\_ 37. *Petition to Fix Executor's Commission-Second Account*

Date of Order \_\_\_\_\_

If commissions are to be claimed in the Second Account a petition should be filed therefor if the petition filed in respect to the First Account was not broad enough to cover them. See Section 7-601 and comments to No. 22 above.

\_\_\_\_\_ 38. *Petition to Allow Counsel Fee-Second Account*

Date of Order \_\_\_\_\_

If a counsel fee is being claimed in the Second Account a petition should be filed therefor. See Section 7-602 and comments in No. 23 above.

\_\_\_\_\_ 39. *Notice of Petition for Ex'r's Commissions-2nd Acc't*

Date Notice Given \_\_\_\_\_

*and/or Notice of Petition for Counsel Fee-2nd Acc't*

Date Notice Given \_\_\_\_\_

The Personal Representative shall give written notice to all interested persons and to all unpaid creditors who have filed claims of the filing of any petition for commissions or counsel fee. The notice must set forth in reasonable detail the amount requested, the basis therefor and the action of the Court thereon. Unless a request for a hearing is filed within 20 days of the sending of the notice the Court's Order shall become final. See Section 7-502.

This notice may be waived, however. See Section 1-103 and Opinion of the Attorney General, Item 7, appearing in Daily Record of May 2, 1970.

(Specimen forms of notice are set out in Appendices XI and XII.)

\_\_\_\_\_ 40. *Prepare Second Administration Account*

Must be filed within 6 months after filing First Account. See Section 7-303, 7-304, *as amended by Chapter 535 of the Laws of 1973*, and 7-305. Must be verified. See Section 1-102.

\_\_\_\_\_ 41. *Notice of Filing Second Administration Account*

Date Notice Given \_\_\_\_\_

Within 15 days next preceding the filing of the Second Account the Personal Representative must give notice of such filing, by mail or delivery, to all interested persons in the manner prescribed above for notice in respect to the filing of the First Account. See Section 7-301.

Consideration should be given as to advisability of sending a copy of the proposed account to appropriate legatees at the same time so as to foreclose their right to object to the proposed distribution. This right to object terminates if not exercised within 30 days after mailing copy of the proposed distribution. See Section 9-104(d).

Also see No. 26 above for comments on Henderson Commission's intention with respect to Section 9-104(d).

This notice may be waived, however. See Section 1-103 and Opinion of the Attorney General, Item 7, appearing in Daily Record of May 2, 1970.

\_\_\_\_\_ 42. *Excused from Giving Notice*      Date of Order \_\_\_\_\_

The Court may excuse a Personal Representative from giving



notice of filing to any of the interested persons for good cause shown. See Section 7-501. This would normally apply where the will contained a long list of inconsequential legacies.

*Names of persons omitted from notice by Order.*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_ 43. *File Second Administration Account with Register*

Date Filed \_\_\_\_\_

Within 6 months of filing the First Administration Account and within 15 days of having given notice of such filing to all interested persons the Personal Representative shall file his Second Administration Account with the Register, together with a certificate that the Personal Representative has mailed or delivered, within 15 days next preceding the filing, the notice of such filing to all interested parties. See Section 7-301 and Section 7-305(a). The account must be verified as required by Section 1-102 but should not certify compliance with Section 7-302, as repealed and re-enacted by SB-319, now designated Chapter 199 of the Laws of 1973, as that Act applies only to initial accounts.

(See Appendix XV for form of verification and certificate.)

\_\_\_\_\_ 44. *Extension of Time for Filing Account Until*

May be obtained by Order of Court for good cause shown. See Section 7-305(b).

\_\_\_\_\_ 45. *Pay Tax on Executor's Commission*

Date Paid \_\_\_\_\_

Pay tax on any executor's commissions claimed in the account. See No. 30 above.

\_\_\_\_\_ 46. *Pay Inheritance Tax*

Date Paid \_\_\_\_\_

Pay inheritance tax on any devises or bequests distributed by the account. See No 31 above.

\_\_\_\_\_ 47. *Expiration Date for Filing Exceptions to Account*

Date \_\_\_\_\_

All exceptions to an account must be filed with the Register within 30 days of the account's approval by the Court. No exceptions may be filed as to any item which has become final and binding under Section 7-502. Copies of all exceptions shall be mailed by the exceptant to the Personal Representative. See Section 7-501.

- \_\_\_\_\_ 48. *Pay Legacies Shown in Account*
- \_\_\_\_\_ 49. *Convey any Real or Leasehold Property Distributed by Account.*
- \_\_\_\_\_ 50. *File Maryland Estate Tax Return*  
Date Filed \_\_\_\_\_  
Due within 15 months of date of death.
- \_\_\_\_\_ 51. *Subsequent Accounts*  
Any subsequent account would be due at intervals of 6 months from date of filing the account preceding it. See Section 7-305(a) (2). Nos. 37 thru 49 above, in respect to a Second Account, would apply to each and every subsequent account.
- \_\_\_\_\_ 52. *Closing the Estate* Date Closed \_\_\_\_\_  
The final approval of the final account shall automatically close the estate. See Section 10-101.  
Section 7-305(a) (2) would seem to indicate that the last account filed should actually be designated as the final account and not simply the second account or third account.  
(See Appendix XVI for form of notice when required by Section 10-101.)
- \_\_\_\_\_ 53. *Termination of Personal Representative's Appointment*  
Date \_\_\_\_\_  
Final approval of the final account will automatically terminate a Personal Representative's appointment if he so requests in the final account. If the appointment is not terminated by the final account, a Personal Representative may, after the time has passed for presenting claims which arose before death, petition the Court for an Order to terminate his appointment as Personal Representative. After notice as specified and after a hearing if requested the Court may so order. See Section 10-101.
- \_\_\_\_\_ 54. *Discharge of Personal Representative*  
Date \_\_\_\_\_  
If no action or proceeding involving the Personal Representative is pending one year after the close of the estate pursuant to Section 10-101, the Personal Representative shall be discharged from any claim or demand of any interested person except for those based on fraud, material mistake or substantial irregularity. See Section 10-103(a).
- Estate of \_\_\_\_\_  
Date of Death \_\_\_\_\_

## CHECK LIST FOR JUDICIAL PROBATE

## Foreword

Generally speaking Judicial Probate differs from Administrative Probate in that it is conducted with greater formality than the latter. Judicial Pro-

bate is before the Orphans' Court instead of the Register of Wills, witnesses to the Will are examined and letters are not granted until after notice and a formal hearing.

It is *mandatory* upon the Court to grant a petition for Judicial Probate if it is filed, either prior to Administrative Probate or within 6 months of Administrative Probate:

- a) By an interested person. It should be noted that Section 5-207(b) provides that the filing of a petition to caveat has the effect of a request for judicial probate. In the event of caveat, therefore, judicial probate becomes mandatory. See Henderson Commission's Comment to Section 5-207.
- b) By a creditor in the event no Personal Representative has been appointed.
- c) If it appears to Court or Register that Petition for Administrative Probate is incomplete or incorrect.
- d) If Will torn, mutilated or burned in part or marked in any way so as to make a significant change in its meaning.
- e) If Will lost or destroyed, can't be done in Administrative Probate.

See Sections 5-304, 5-401 and 5-402.

It is *discretionary* with the Court to set aside Administrative Probate if, within 18 months of decedent's death, the Court finds that:

1. There is a later Will which was not known about when Administrative Probate granted.
2. Notice provided in Section 2-209 not given to an interested person nor did he have actual notice of Petition.
3. Fraud, material mistake or substantial irregularity existed.

See Section 5-304.

The appointment of a Personal Representative who has been appointed by administrative probate is terminated by a timely request for judicial probate. Such a termination, however, does not affect the validity of acts therefore performed by him. Subject to any order to the contrary a Personal Representative previously appointed has the duties and powers of a special administrator until the appointment of a Personal Representative in the judicial probate proceeding. There is no prohibition against the person who had been appointed in the administrative probate proceeding also being appointed Personal Representative in the judicial probate proceeding. See Section 6-307.

## CHECK LIST

### I. *Petition for Probate*

Date Filed \_\_\_\_\_ By Whom \_\_\_\_\_

This would normally be filed at the outset by the executor named in the Will only under unusual circumstances such as when there was mutilation, burning or marking so as to signifi-

cantly change the Will or where a copy of the Will was being offered for probate. In other cases the Petition for Judicial Probate would more than likely come from some other interested person.

(A specimen form of Petition is set out in Appedix I.)

\_\_\_\_\_ II. *Special Administration*

If an administrative probate proceeding was in progress, with a Personal Representative appointed therein before the filing of the petition for judicial probate, it should be noted that although the administrative Personal Representative's appointment was terminated by the mere filing of the petition for judicial probate the same Personal Representative would function as special administrator, pending appointment of a Personal Representative in the judicial probate proceeding, unless the Court ordered to the contrary. In all events the acts of the prior Personal Representative would remain valid, however. See Sections 6-307, 6-401, 6-402, 6-403 and 6-404.

If the petition for Judicial Probate were brought and there had been no prior Personal Representative, a special administrator could be appointed by the Court to take care of matters requiring attention arising in the interim between the filing of the petition and the appointment of a Personal Representative. See Sections 6-307, 6-401, 6-402 and 6-404.

\_\_\_\_\_ III. *Notice of Request for Judicial Probate*

a.) Petitioner must give the Register the names and addresses of all interested persons of whom he may learn prior to the granting of Judicial Probate. See Section 5-403(a).

b.) The Register shall then give notice to all interested persons that Judicial Probate has been requested. See Section 5-403(a). Ordinary mail is sufficient for this notice unless it is the first notice received by the interested person in which event it should be by registered or certified mail of the type prescribed in Section 1-103. (See also Attorney General's Opinion, Item 2, appearing in Daily Record of May 2, 1970, as to character of notice.)

As to waiver of notice, see Section 1-103 and Item 7 of the Attorney General's Opinion appearing in Daily Record of May 2, 1970. The sending of this notice should be checked by the Personal Representative.

c.) The Register is also required to give notice of the request for Judicial Probate by newspaper advertisement inserted once a week for two successive weeks. See Section 5-403(a).

d.) The form of notice to be employed by the Register in b) and c) above is set out in Section 5-403(b) and also in Appendix XVII hereto.

- \_\_\_\_\_ IV. *Hearing* Date Set by Court \_\_\_\_\_
- a.) In general see Section 5-404.
  - b.) Witnesses to Will are examined by the Court unless Court directs otherwise. See Section 5-404(b).
  - c.) Personal Representative files a statement of acceptance and consent to jurisdiction and gives such bond as Court requires. See Sections 6-101 and 6-102. (For form of acceptance and consent see Appendix II.)
  - d.) Letters granted. Date \_\_\_\_\_  
(See Appendix IV for form of Order used by the Register of Wills for Baltimore City.)
- \_\_\_\_\_ V. *Insert Notice of Appointment in Newspaper Immediately After Grant of Letters*
- Date of First Insertion \_\_\_\_\_
- Date of Second Insertion \_\_\_\_\_
- Date of Third Insertion \_\_\_\_\_
- Pursuant to provisions of Section 7-103, *as amended by Chapter 405 of the Laws of 1973*, a notice of the Personal Representative's appointment should be published by the Register of Wills in a newspaper conforming to the statute's requirements once a week for three successive weeks. The notice is given to persons who may object to the appointment and to creditors. Obtain a copy for file and enough so as to be able to file one copy with the Register and to supply him with enough copies for the heirs and legatees.
- (A specimen form of Notice is set out in Appendix V.)
- \_\_\_\_\_ VI. *Give Register:*
- a.) *Copy of published Notice of Appointment*  
Date Filed \_\_\_\_\_  
This should be filed within 20 days of date of appointment. As a practical matter the Register should also be given a copy for each legatee and heir. See Section 7-104.
  - b.) *List of Legatees and Heirs with Addresses.*  
Date Filed \_\_\_\_\_  
This list should be filed at the same time and along with one copy of the published notice referred to in (a) above. See Section 7-104 and Section 2-209.  
(A specimen form of List is set out in Appendix VI.)
  - c.) *Certification of Publication*  
Date Filed \_\_\_\_\_  
Upon completion of the third insertion of the Notice of Appointment in the newspaper, the Personal Representative should file with the Register a certification that such Notice has been published. See Section 7-103, *as amended by Chapter 405 of the Laws of 1973*.

(A specimen form of certification is set out in Appendix VII.)

\_\_\_\_\_ VII. *Verify That Register has Given Notice by Mail to Heirs and Legatees* Date Notice Given \_\_\_\_\_

Section 2-209 requires the Register, within 5 days after receiving the copy of the newspaper notice referred to in (a) above, to send a copy of the newspaper notice to each heir and legatee so as to give him or her actual notice of the appointment of the Personal Representative and thereby an opportunity to object.

(From this point on the list of items to be checked for administration in Judicial Probate would be the same as those set out as items 10 through 54 for administration in Administrative Probate.)

*Note as to V., VI. and VII. above:*

The original statute was not clear whether the notice provided for in V. above should be given over again if the judicial probate Personal Representative is appointed by virtue of a petition filed while administrative probate was in progress in which prior proceeding notice had been given. Item 3 of the Attorney General's Opinion, appearing in the Daily Record of May 2, 1970, advises, however, that a second notice need not be published but it does not discuss the situation where a different Personal Representative is appointed in the judicial proceedings.

**STATE OF MARYLAND**

IN THE ORPHANS' COURT FOR  
BEFORE THE REGISTER OF WILLS FOR \_\_\_\_\_ CITY,  
MARYLAND.

In the Matter of \_\_\_\_\_  
\_\_\_\_\_ deceased Estate No. \_\_\_\_\_

**PETITION FOR PROBATE**

The Petition of \_\_\_\_\_  
Name Address  
\_\_\_\_\_  
Name Address  
\_\_\_\_\_  
Name Address

each being a citizen of the United States and of legal age, shows

1. \_\_\_\_\_, the decedent, who was domiciled in \_\_\_\_\_ City, State of \_\_\_\_\_ died on \_\_\_\_\_ at \_\_\_\_\_
2. The decedent died (with) (without) a will.
3. Petitioner is entitled to be appointed personal representative of the decedent's estate under Section 5-104 of Article 93 of the Maryland Code for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_
4. This is the proper office in which to file the Petition because \_\_\_\_\_
5. The Petitioner has made a diligent search for a will of the decedent and, to the best of the knowledge of the Petitioner, (the will accompanying this Petition dated \_\_\_\_\_ is the decedent's latest will, and said will came into Petitioner's hands in the following manner) (none exists):  
\_\_\_\_\_  
\_\_\_\_\_
6. If the decedent died with a will, the names and addresses of all witnesses are \_\_\_\_\_
7. All other proceedings regarding the decedent's estate are as follows:  
\_\_\_\_\_  
\_\_\_\_\_
8. The reason why any information required to be furnished by Sections 5-201 and 5-202 of Article 93 has not been furnished, is as follows:  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, the Petitioner prays that he be granted letters appointing him personal representative of the decedent's estate and that the aforesaid will, if any, be admitted to (administrative) (judicial) probate, and that the following additional relief be granted:  
\_\_\_\_\_  
\_\_\_\_\_

I (we) do hereby solemnly declare and affirm under the penalties of perjury that the information and representations contained in the foregoing Petition are true and correct according to my (our) knowledge, information and belief.

\_\_\_\_\_  
Attorney for Estate (signature)  
\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(signature)

SM O D 5-73 RW 1

**ACCEPTANCE  
AND CONSENT OF PERSONAL REPRESENTATIVE**

The undersigned \_\_\_\_\_  
\_\_\_\_\_ accept  
the duties of the office of personal representative of the estate of \_\_\_\_\_  
\_\_\_\_\_ deceased and consent to personal jurisdiction in any action brought in this  
State against me as such personal representative or arising out of duties as such personal  
representative.

Date \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4M O'D 8-73 F4-1A

Appendix II

IN THE MATTER OF \_\_\_\_\_ BEFORE THE REGISTER OF WILLS FOR  
\_\_\_\_\_ deceased \_\_\_\_\_

**ADMINISTRATIVE PROBATE ORDER**

Upon the foregoing Petition, an appropriate bond having been filed herein, it is this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

ORDERED that \_\_\_\_\_  
be and he is hereby appointed personal representative of the estate of \_\_\_\_\_;  
and further

ORDERED that the Will accompanying the foregoing Petition be and it is hereby admitted to probate as  
the Will of the aforementioned decedent.

\_\_\_\_\_  
Register of Wills

4M O'D 4-73 RW-4A

Appendix III



BEFORE THE ORPHANS COURT FOR

IN THE MATTER OF \_\_\_\_\_

**JUDICIAL PROBATE ORDER**

Upon the foregoing Petition, on appropriate bond having been filed herein, it is this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ORDERED that \_\_\_\_\_

be and he is hereby appointed personal representative of the estate of \_\_\_\_\_

ORDERED that the Will accompanying the foregoing Petition be and it is hereby admitted to probate as the Will of the abovesaid decedent.

Register of Wills for \_\_\_\_\_

1200 00 1173 \_\_\_\_\_ Judge

RW 3A

Appendix IV

\_\_\_\_\_, ESQ.

**State of Maryland**  
**NOTICE OF APPOINTMENT**  
**AND**  
**NOTICE TO CREDITORS**

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 such appointment (or to the probate of the decedent's will) shall file the same with the Register of Wills of \_\_\_\_\_

\_\_\_\_\_ (six months from the date of such appointment).

All persons having claims against the decedent must present their claims to the undersigned, or file the same with the said Register of Wills on or before six months from the date of such appointment. Any claim not so filed on or before such date, or any extension thereof provided by law, shall be unenforceable thereafter.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Personal Representative

1200 00 1173 \_\_\_\_\_

Appendix V



File No. \_\_\_\_\_

## State of Maryland

### INFORMATION REPORT

By \_\_\_\_\_ Personal Representative

Of The Estate of \_\_\_\_\_, Deceased

Give the following information so far as known to you:

1. Did the deceased, within two years prior to \_\_\_\_\_ death, make any transfer of any material part of \_\_\_\_\_ property in the nature of a final disposition or distribution thereof, other than bona fide sales for an adequate and full consideration in money or moneys worth?  
(Answer, Yes or No) \_\_\_\_\_

If so, give the following information as to each such transfer:

Date of Transfer	Name and Relationship of Transferee	Address	Nature of Property Transferred

2. Did the deceased, at the time of \_\_\_\_\_ death, have any interest as joint tenant in any real or personal property including bank or building or homestead association accounts?  
(Answer, Yes or No) \_\_\_\_\_

If so, give the following information as to all such jointly owned property:

Name and Relationship of Joint Owner	Address	Nature of Property Owned

3. Did the deceased, at the time of \_\_\_\_\_ death, have an interest in any real or personal property for life or for a term of years, or any other interest less than absolute, in trust or otherwise?  
(Answer, Yes or No) \_\_\_\_\_

If so, give the following information:

Description of interest Less than absolute	Date and type of instrument establishing interest	Name and address of successor, owner or beneficiary and relationship

I (We) do hereby solemnly declare and affirm under the penalties of perjury that the matters and facts set forth in this Report are true and correct according to my (our) knowledge, information and belief.

Date \_\_\_\_\_ (signature) \_\_\_\_\_  
 \_\_\_\_\_ (signature) \_\_\_\_\_

#### INSTRUCTIONS

- Every Personal Representative is required by Section 155 of Article 81 (1957 Code) to file this Report within three months after the grant of his letters.
- If, after filing their Report, the Personal Representative learns of any such transfer or jointly owned property not included in this Report, he is required by law to file immediately a further Report containing such information.

AM OD 4-73

**Before the Orphans' Court of Baltimore City, Maryland**

Inventory of the Estate of \_\_\_\_\_ deceased

Date of Death \_\_\_\_\_ Estate Number \_\_\_\_\_

**WARRANT TO APPRAISE:**

This is to authorize you to appraise the various assets of \_\_\_\_\_  
late of \_\_\_\_\_, deceased, for their fair market value.

DATE: \_\_\_\_\_ TEST: \_\_\_\_\_  
Register of Wills

**SUMMARY**

<u>Schedule</u>	<u>Type of Property</u>	<u>(Appraised) Value</u>
A	Real . . . . .	\$ _____
B	Tangible Personal . . . . .	_____
C	Corporate Stocks . . . . .	_____
D	Bonds, Notes, Mortgages, Debts due to the Decedent . . . . .	_____
E	Bank Accounts, Savings and Loan Accounts, Cash . . . . .	_____
F	All other interests . . . . .	_____
Total		\$ _____

**VERIFICATION**

The undersigned declare under the penalties of perjury that they are the duly appointed and acting personal representatives of the estate of the within-named decedent, and each declares that he has examined the Inventory, including any accompanying statements, that it has been prepared by one or more of the undersigned or under their joint direction and is, to the best of the knowledge, information and belief of each, a true, correct and complete Inventory of all of the estate of the within-named decedent, made in good faith pursuant to Maryland Law.

Instructions: Complete *all* pertinent schedules and summary. See 17-201 *et seq.* of Article 93 of the Annotated Code of Maryland (Ch. 3 of the Laws of Maryland of 1969).

Inventory of Estate of _____		
Schedule A Real Property		
Item No.	Description	Value
		\$ _____
Total		\$ _____

Appendix IX-A

Inventory of Estate of _____		
Schedule B Tangible Personal Property		
Item No.	Description	Value
		\$ _____
Total		\$ _____

Appendix IX-B





APPRAISER'S CERTIFICATE

The hereinabove-described property has been appraised by the undersigned to the best of their skill and judgment and constitutes all of the property of the named decedent of which they have knowledge and with the appraisal of which they have been charged.

\_\_\_\_\_  
\_\_\_\_\_

34 00 6-73



Notification of Unpaid Creditors as to Status of their Claims - See Section 8-107(a), as amended by Chapter 535 of the Laws of 1973, and Section 8-107(b)

.....197.....

To:

You are hereby notified that your claim against the estate of .....deceased:

Has been disallowed by the undersigned in the amount of \$.....

Has been disallowed by the undersigned in its entirety.

Will be made the subject of a petition by the undersigned to the Orphans' Court of ..... to determine whether the claim should be allowed.

The law provides that if a claim is disallowed in whole or in a stated amount, the claimant is forever barred to the extent of the disallowance unless the claimant files a petition for allowance in the Court or commences an action against the Personal Representative or against one or more of the persons to whom property has been distributed not later than 60 days after the mailing of this notice.

By \_\_\_\_\_

\_\_\_\_\_  
Personal Representative(s)

Note: This notice may be given just as well by a letter containing the information required by the statute.

Notice of Filing Petition for Executor's Commission - See Section 7-502.

.....197....

To- (Name)

(Address)

A person interested in or an Unpaid Creditor of the Estate of  
....., deceased:

Notice is hereby given, pursuant to the provisions of Article 93, Section 7-502 of the Maryland Annotated Code, that a petition was filed .....19....., in the Orphans' Court for .....for the allowance of commissions to the Personal Representative(s) for administering the above estate. The amount requested of the Court is \$..... A copy of the petition is attached which sets forth the basis for the request. The Orphans' Court has approved payment of the amount asked for subject to any request for a hearing thereon being filed with the Court within 20 days of the sending of this notice.

By \_\_\_\_\_

Personal Representative(s)

Note: It is recommended that, in most cases, a letter be used for this purpose, at least for the principal legatees, rather than a formal notice. The letter, however, should contain all of the same basic elements as the above formal notice.

Notice of Filing Petition for Counsel Fee - See Section 7-502

.....  
(Date mailed)

To - (Name)  
  
(Address)

A person interested in or an Unpaid Creditor of the Estate of  
....., deceased:

Notice is hereby given, pursuant to the provisions of Article 93, Section 7-502 of the Maryland Annotated Code, that a petition was filed .....19....., in the Orphans' Court for ..... for the allowance of a counsel fee of \$..... to ..... for professional services rendered as attorney for the estate. A copy of the petition is attached which sets forth the basis for the request. The Orphans' Court has approved payment of the amount asked for subject to any request for a hearing thereon being filed with the Court within 20 days of the sending of this notice.

By \_\_\_\_\_  
\_\_\_\_\_  
Personal Representative(s)

Note: It is recommended that, in most cases, a letter be used for this purpose, at least for the principal legatees, rather than a formal notice. The letter, however, should contain all of the same basic elements as the above formal notice.

Notice to Interested Persons of the Filing of an Administration Account -  
See Section 7-301

.....197.....  
(Date mailed)

To - (Name)  
  
(Address)

A Person Interested in the Estate of .....  
....., deceased.

Notice is hereby given that, within 15 days of the above date  
on which this Notice was mailed, an Administration Account will be filed  
in respect to this estate with the Register of Wills for .....  
.....

By \_\_\_\_\_

\_\_\_\_\_  
Personal Representative(s)

Note: This notice may be given just as well by a letter containing the  
information required by the statute.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief; that notice has been given to all interested parties, in accordance with Article 93, Section 7-301; and that I have complied with Article 93, Section 7-302.

\_\_\_\_\_  
Personal Representative(s)

Appendix XIV

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief, that notice has been given to all interested parties, in accordance with Article 93, Section 7-301.

\_\_\_\_\_  
Personal Representative

Appendix XV

Notice of the Filing of a Petition to Close the Estate - See Section 10-101.

.....19.....

To - (Name)

(Address)

\* .....: The Estate of  
....., deceased.

Notice is hereby given that a petition was filed on .....  
....., 19....., in the Orphans' Court of .....  
..... requesting an order to close the estate  
and terminate the appointment of the Personal Representative(s)

By \_\_\_\_\_

\_\_\_\_\_  
Personal Representative(s)

\* Fill in this space "residuary legatee of"; "An heir of"; "An unsatisfied legatee of"; or "An unsatisfied creditor of"; as the case might be.

Note: This notice may be given just as well by a letter containing the information required by the statute.

STATE OF MARYLAND

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 this Court by \_\_\_\_\_

\_\_\_\_\_ for judicial probate, including the appointment of a personal representative for said estate; and that said Petition will be heard at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, or at such subsequent time or other place to which said hearing may be adjourned or transferred.

\_\_\_\_\_ Date \_\_\_\_\_ Register of Wills

**STATE OF MARYLAND  
CLAIM AGAINST DECEDENT'S ESTATE**

The below-named creditor certifies that there is due and owing by \_\_\_\_\_ deceased, in accordance with the statement of account attached hereto as a part hereof the sum of \_\_\_\_\_, together with interest at the rate of \_\_\_\_\_ from \_\_\_\_\_ until paid, and that the aforesaid account is correct as stated and is unpaid.

On behalf of the below-named creditor, I do solemnly declare and affirm under the penalties of perjury that the information and representations made in the foregoing claim, and the aforesaid account are true and correct according to my knowledge, information and belief.

\_\_\_\_\_  
(Name of Creditor)

\_\_\_\_\_  
(Signature of creditor or person authorized to make verification on behalf of creditor)



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# UNIVERSITY OF BALTIMORE

## LAW REVIEW

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The School of Law was first opened with the founding of the University of Baltimore in 1925. The Mount Vernon School of Law of Eastern College was established in 1935. Effective September 1, 1970, the Mount Vernon School of Law was merged with the University of Baltimore School of Law.

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