

CHAPTER 636
(House Bill 1184)

AN ACT concerning

Funeral Expenses

FOR the purpose of increasing certain funeral expense allowances to be paid by a personal representative; and generally relating to funeral expenses.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 8-106

Annotated Code of Maryland

(1974 Volume and 1990 Supplement)

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

Article - Estates and Trusts

8-106.

(a) Subject to the priorities contained in § 8-105, the personal representative shall pay the funeral expenses of the decedent within six months of the first appointment of a personal representative.

(b) Funeral expenses shall be allowed in the discretion of the court according to the condition and circumstances of the decedent. In no event may the allowance exceed [\$2,500] \$3,500 unless the estate of the decedent is solvent and a special order of court has been obtained. If the estate is solvent and the will expressly empowers the personal representative to pay the expenses without an order of court, an allowance by the court is not required.

(c) If the funeral expenses are not paid within six months, the creditor may petition the court to require the personal representative to show cause why he should not be compelled to make the payment. If the court finds that the claim is valid, it shall fix the amount due and shall order the personal representative to make payment within ten days after the order is served upon him. If the personal representative does not have sufficient funds, the claimant may at a later date resubmit his petition when the personal representative has sufficient funds.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 24, 1991.