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Series: Estate Administration for Personal Representatives
Title: Part 3 Filing Responsibilities for a Regular Estate

Chapter Headings:

Step One: Notice of Publication
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Welcome back. This video series is for personal representatives administering an estate. In this video, we will cover:

- Steps in managing a regular estate
- Consequences for failing to file required documents, and
- A few tips to remember about your role as personal representative.

If you filed a Petition for Administration of a Regular Estate and received Letters of Administration, this video is for you. If you are handling a small estate, watch part 2 of this series. For information on the difference between a small estate and a regular estate, watch our video series *Preparing to Open an Estate*.

As you go through the process of administering an estate, the Office of the Register of Wills can help you with forms and resources. When you were appointed as personal representative, the Register shared a packet of information and sample forms with you.

Refer to that packet for filing dates and deadlines. If you have questions, visit the Register of Wills website at registers.maryland.gov, or talk to a lawyer.

Before we begin, I want to remind you that we will refer to the person who passed away as the decedent.

Let's get started with step one: notice of publication.

Chapter Heading: Step One: Notice of Publication

When you filed your Petition for Administration, you submitted form RW1114. That form is the notice of publication. It is called the Notice of Appointment, Notice to Creditors, and Notice to Unknown Heirs. In that form, you listed a local newspaper. The Register of Wills will have the notice published in that paper. This lets anyone who may have a claim against the estate know about the decedent's death. It also notifies any heirs who may have been left off the List of Interested Persons.

The newspaper should mail you a copy of the notice. Once you receive that copy, give it to the Register of Wills.

Let's discuss step 2: the list of interested persons.

Chapter Heading: Step Two: List of Interested Persons

If you did not include a List of Interested Persons along with your Petition for Administration, then you must file it within 20 days of your appointment as Personal Representative. Use form RW 1104. For all legatees and heirs, list their names, addresses, and relationship to the decedent. Legatees are the people named in the Will to inherit from the decedent and can include entities such as a trust. Heirs are the people who inherit if there is no Will.

If there is no Will, the List of Interested Persons contains only the names and addresses of the heirs. That includes any living heir and any heir who died before the decedent. If any heir is pre-deceased, their children, if any, must be listed. Include their names, addresses, and relationship to the decedent. You, as personal representative, must also be listed with your name and address. See the accompanying tip sheet for a list of heirs.

As part of your responsibilities, you are required to make every effort to locate an interested person. If you are unable to provide an address for an interested person, you must file an affidavit detailing your attempts to find the person. An affidavit is a sworn statement. Use form RW 1151, called Affidavit of Attempts to Contact, Locate, and Identify All Interested Persons.

Next, we will discuss step 3: the information report.

Chapter Heading: Step Three: Information Report

Within three months of your appointment as personal representative, file an Information Report. Use form RW 1124. The Information Report provides the Register of Wills information on the decedent's non-probate property. This may include:

- Jointly held assets
- Transfer on death or payable on death accounts, and
- Some real property.

Real property means any house or land the person owned. In your list include all non-probate property no matter where it is located -- in Maryland or in another state.

Provide information on:

- Any property owned jointly with right of survivorship with someone other than a spouse, child, grandchild, parent, grandparent, or sibling. Right of survivorship means that when one owner dies, the other owners will receive that person's share of the property.
- Any house, land, or leased property solely owned or owned as a tenant in common located outside of Maryland.
- Any property that was solely owned by the decedent up until 2 years before death and that, at the time the decedent passed, had been gifted or was jointly owned with someone other than a spouse, child, grandchild, parent, grandparent, sibling, or registered domestic partner.
- Any property that the decedent owned that was:
 - An annuity or pension
 - A payable on death account
 - A life estate
 - Property with a beneficiary, or
 - In a trust.

You do not have to include these property types if they passed to a spouse, child, grandchild, parent, grandparent, sibling, or registered domestic partner. If you have questions, check with a lawyer.

Why do you need to provide information on non-probate assets? The Register of Wills will use this information to calculate any inheritance taxes.

Next, let's go over step 4: the Inventory.

Chapter Heading: Step Four: The Inventory

Within three months of your appointment as personal representative, prepare and file an inventory of the decedent's probate property. Use forms RW 1122 and 1123.

Remember, probate property is included in the estate and is distributed through the estate. We discuss probate and non-probate property in part 1 of this series.

In the inventory, include property that the decedent owned solely or as a tenant in common. Tenants in common is a type of co-ownership. In this type of ownership there is no right of survivorship. This means when one owner dies, the other owners do not receive that person's share. Instead, it goes through probate. If you are unsure if the decedent owned land or a house solely or owned it as tenants in common, look at the deed. Watch the video, *How to Find the Deed to Your Property* to learn more about locating a deed. Visit the Peoples' Law Library of Maryland for more information on the types of joint ownership.

In the Inventory Summary on form RW 1122, list the total value of assets, broken down by type. For example, two common types of assets are real property and personal property. Real property refers to real estate, such as a home or land. Personal property may include cash, jewelry, household furnishings, and vehicles, among other property.

Report each asset with its value in the Inventory Supporting Schedule. Use form RW 1123.

List each asset's value on the date of the decedent's death. Include documentation showing the value of each asset.

For example, if the asset is a car, include a copy of the document you relied on to determine the value of the car. This may be an appraisal from a car dealership, or a Kelly Blue Book or National Automobile Dealers Association search. You may have relied on a different document, and that's OK as long as it is a legitimate source.

But keep this in mind- If the asset is stock, make sure the documentation shows its value at the time of death. If you are unsure of an asset's value or what proof to provide, talk to a lawyer.

Let's discuss step 5: the account.

Chapter Heading: Step Five: The Account

Within nine months after your appointment, prepare and file an Account. This is a written record of the estate's finances. There is no form to use, but there is a sample account on the Register of Wills' website that illustrates what you need to do. Watch part 5 of this series for instructions on what you need to include in an Account.

There are consequences if you do not file the required documents when managing an estate.

Let's talk about show cause hearings and contempt.

Chapter Heading: Show Cause Hearings and Contempt

If you do not file the required documents with the Register of Wills, you may receive a Show Cause Order. That order will require you to appear before the Orphans' Court for a hearing. This is called a show cause hearing. At the hearing you will be asked to explain why you have not filed the required documents.

If you file the required documents prior to the show cause hearing date, the hearing may be canceled. Contact the Register of Wills to find out if the documents were received and if the hearing is canceled. If the hearing is not canceled, make sure to attend. Bring the required documents with you.

If you do not file the missing documents and do not appear in court on the date of the show cause hearing, the court may issue a Contempt for Removal. You will be summoned to appear for a contempt hearing.

If you do not appear in court on the date of the contempt hearing, then the court may remove you as personal representative. The court may also issue a bench warrant to have the sheriff's office bring you to court, or issue other sanctions.

So, it is important to meet deadlines and follow all the required steps.

Now, let's move on and talk about the final step in this process, step 6: the distribution of assets.

Chapter Heading: Step Six: Distribution of Assets

You have already done a great deal of work to prepare to distribute the assets. Here is a checklist of all the things you should have done:

- Met all filing requirements
- Paid all outstanding debts and claims
- Received an order approving your Final Account, and
- Waited 20 days from the date of the Final Account order.

Once all these steps have been completed, the decedent's assets may be distributed.

Distribute assets to the people who will inherit according to the decedent's Will. If there

is no Will, the assets will be distributed to the heirs according to Maryland law. Part 7 of this series discusses the distribution of assets in more detail.

Finally, it's important to be responsible.

Chapter Heading: Be Responsible

Being a personal representative is an important job. Remember, you are a fiduciary and responsible for the estate. A fiduciary acts for another person and is entrusted with their property.

Remember to:

- Maintain a current address with the Register of Wills. If you move, then let the Register of Wills know.
- Always check your mail carefully for any estate paperwork.
- Seek the help of a lawyer for any legal questions. And,
- Perform your duties responsibly.

Being a personal representative is a big job. Take it seriously and seek help if you need it.

Thank you for watching. I hope this information has been helpful.