

Probate: Maryland

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claims, and using the estate answers to questions can be compared across a number of jurisdictions ([see Probate: State Law 1007](#)).

Key Statutes and Rules

1. What are the state laws and rules that govern estate proceedings?

The laws that govern the procedures of probate administration in Maryland are found in:

- The Estates and Trusts Code ([Md. Code Ann., Est. & Trusts §§ 1-101 to 17-204](#)).
- Maryland Rules, Title 6: Settlement of Decedents' Estates ([MD Rules, Rule 6-101 to 6-502](#)).

Maryland provides recommended probate forms at the [Office of the Register of Wills: Forms](#).

2. What court has jurisdiction over estate proceedings in your state?

In Maryland, the Orphans' Court has jurisdiction over estate proceedings ([Md. Code Ann., Est. & Trusts § 2-101](#), [MD Rules, Rule 6-111](#)).

The Orphans' Court has jurisdiction over the estates of:

- Maryland domiciliaries.
- Non-domiciliaries owning property in Maryland.

Domicile is the place where a person has a true, fixed, permanent home, habitation, and principal establishment, without any present intention of leaving, and to where that person, whenever absent, has the intention of returning ([Shapiro v. Marcus, 124 A.2d 846, 847 \(Md. 1956\)](#)).

Proper venue for an administrative or judicial probate is in the county where the decedent was domiciled at death or, for a non-resident decedent, the county where the petitioner believes the largest part in value of the decedent's Maryland property was located at the decedent's death ([Md. Code Ann., Est. & Trusts § 5-103](#)).

Types of Estate Proceedings

3. What are the different types of probate or other estate proceedings or processes for transferring a decedent's assets at death?

The main types of estate proceedings in Maryland include:

- **Administrative probate.** Used to probate a will and appoint a personal representative for a decedent's estate. The [Register of Wills](#) in the county in which the decedent was domiciled oversees the process. Administrative probate requires no prior notice and no formal court hearing. ([Md. Code Ann., Est. & Trusts § 5-301](#).) Administrative probate:
 - is the most common method of probate;
 - generally used where there are no anticipated disputes among the personal representative and beneficiaries; and
 - may be used in intestate matters if all heirs with priority of appointment as personal representative consent to the personal representative's appointment.
- **Judicial probate.** A proceeding that an interested person or creditor commences by filing a petition for probate with the Orphans' Court for:
 - the probate of a will or for a determination of decedent's intestacy; and
 - the appointment of a personal representative.

([Md. Code Ann., Est. & Trusts § 5-401](#).)

Judicial probate is most frequently used where the petitioner believes disputes among interested persons are likely. For a definition of interested persons, see [Question 6: Interested Persons](#).

- **Small estates proceeding.** Used for appointing a personal representative when the gross value of the decedent's assets does not exceed \$50,000 or, if the surviving spouse is the sole legatee or heir, \$100,000. A small estate may be either a judicial or administrative probate but the statutory maximum amounts determine whether that judicial or administrative probate is a small estate or a regular estate. The small estate proceeding may be used to transfer the decedent's interest in real property located in Maryland if the value of the real property does not exceed the statutory limits of a small estate. ([Md. Code Ann., Est. & Trusts § 5-601](#); see [Question 19: Small Estates](#).)
- **Modified administration.** A streamlined probate proceeding for use in regular (not small) estates. Instead of filing a formal inventory of assets and any accountings, the personal representative files a final report under modified administration. A personal representative may elect modified administration within three months of appointment if the estate satisfies certain criteria. ([Md. Code Ann., Est. & Trusts §§ 5-701 to 5-710](#); see [Question 19: Modified Administration](#).)
- **Transfer of motor vehicle, boat, or vessel.** An expedited process for transferring this property without a probate in certain circumstances where the property is the only property the decedent owned at death and the decedent's spouse is the only beneficiary of that property (see [Md. Code Ann., Est. & Trusts § 5-608](#); see [Question 19: Transfer of Motor Vehicle, Boat, or Vessel](#)).
- **Foreign personal representative (ancillary probate).** A procedure for allowing the personal representative of a non-resident decedent's estate to sell or otherwise transfer the non-resident decedent's Maryland property. A personal representative appointed in the decedent's home state does not need to obtain letters of administration in Maryland to administer the decedent's Maryland estate. ([Md. Code Ann., Est. & Trusts §§ 5-501 to 5-506](#); see [Question 19: Ancillary Probate and Administration](#).)

Opening the Estate

4. What is the typical initial filing process for opening an estate? Specifically, please discuss:

- How original wills are handled.
- Whether filing typically occurs by mail, e-filing, or in person and common practices for the most common methods.
- Documents typically submitted to the court with the initial filing.
- Any additional practical advice regarding the initial process for opening an estate.

Method of Filing

In Maryland, the petitioner for probate generally files any will, the initial petition for administration, and all supporting documents in person or through the petitioner's attorney with the [Register of Wills](#) for the county in which the decedent resided. The documents may also be filed by mail. The initial filing procedure is the same for administrative and judicial probate.

Petitioners should exercise care when mailing an original will and, at a minimum, send the documents by a method that uses tracking.

E-filing is not currently available with the Register of Wills. Electronic filing is now authorized by statute for any document other than an original will. However, the new statute has yet to be implemented statewide. Some Register of Wills offices allow electronic filing by facsimile or email, or both. Each register maintains its own website and procedures related to faxed and emailed documents. Individuals may find the location, contact information, and office hours for each county's Register of Wills office and the necessary probate forms at the [Office of the Register of Wills: Forms](#).

Documents Submitted with Initial Filing

Administrative Probate

For a regular estate using an administrative probate, the petitioner files the following documents using the recommended Maryland court forms:

- The original will and any codicils.
- A certified copy of decedent's death certificate.
- Petition for Administration - Regular Estate ([Form 1112](#)).
- Schedule A ([Form 1136](#)), summarizing the value of the probate assets and decedent's debt.
- List of Interested Persons ([Form 1104](#)), including the names and addresses of:
 - the petitioner;
 - the legatees under the will; and
 - the decedent's heirs at law.

- Bond or nominal bond ([Forms 1115](#) and [1116](#)). If the will waives bond or if all interested persons sign a bond waiver, the personal representative may post a nominal bond ([Form 1116](#)). For more information on bond, see [Question 8](#).
- Notice of Appointment, Notice to Creditors, and Notice to Unknown Heirs ([Form 1114](#)). For more information on notice to interested persons, including creditors, see [Question 6](#).

([Md. Code Ann., Est. & Trusts §§ 5-301 to 5-304](#); [MD Rules, Rule 6-301](#).)

The petitioner may need to file additional documents, if applicable:

- Consent to Appointment of Personal Representative ([Form 1118](#)) from interested persons to appointment, if petitioner does not have priority of appointment.
- Appointment of Resident Agent ([Form 1106](#)), if the petitioner is a non-resident of Maryland.
- For a nominal bond, Waiver of Bond ([Form 1117](#)) by all interested persons if:
 - the decedent died intestate; or
 - the will does not waive bond.
- If decedent's original will has been lost, a copy of the will may be filed together with a separate Petition for Admission of Copy of Executed Last Will and Testament ([Form 1430](#)), the consents of all interested persons, and a proposed order ([Md. Code Ann., Est. & Trusts §§ 5-801 to 5-804](#)).

For a definition of interested persons, see [Question 6: Interested Persons](#).

Modified Administration

For a modified administration for a regular estate, the petitioner needs to file the same documents as for an administrative probate, as well as:

- Election of Personal Representative for Modified Administration ([Form 1141](#)).
- A Consent to Election for Modified Administration ([Form 1142](#)) from all:
 - residuary legatees of a testate decedent; or
 - heirs at law of an intestate decedent.

([Md. Code Ann., Est. & Trusts §§ 5-701 to 5-710](#).)

If the estate is otherwise eligible for modified administration, these documents may be filed either:

- At the time the estate is opened.
- Within three months of the appointment of the personal representative.

([Md. Code Ann., Est. & Trusts § 5-702](#).) For more information on modified administration, please see [Question 19: Modified Administration](#).

Judicial Probate

The forms required for judicial appointments are the same as those required for a regular estate or a small estate. However, opening a judicial probate includes a small estate fee if the estate meets the criteria for both a judicial probate and a small estate ([Md. Code Ann., Est. & Trusts §§ 5-401 to 5-407](#).) For more information on the fees associated with Maryland probates, including the small estate fee, see the [Office of the Register of Wills: Fees](#) .

Small Estate

An administrative or judicial probate may be a small estate if the estate's size qualifies as a small estate. For more information on small estates, including information on the forms required to open a small estate proceeding, see [Question 19: Small Estates](#).

Foreign Personal Representative (Ancillary Probate)

The forms required for authorizing a foreign personal representative of a non-resident decedent's Maryland estate to sell or otherwise transfer the non-resident decedent's Maryland property (an ancillary probate) include:

- A copy of the appointment from the decedent's domiciliary jurisdiction and the decedent's will, if any, authenticated under [28 U.S.C. § 1738](#).
- A list of recipients of Maryland property and their relationship to the decedent.
- An Appointment of Resident Agent ([Form 1106](#)), if necessary. This form is required whenever the fiduciary is a non-resident.
- A Notice to Creditors of Appointment of Foreign Personal Representative ([Form 1134](#)).
- An Application by Foreign Personal Representative to set Inheritance Tax ([Form 1133](#)). This form is required if the estate's beneficiaries are subject to the Maryland inheritance tax. For more information on inheritance tax in Maryland, see [State Q&A, Estate Tax: Maryland](#).
- An appraisal or other basis for valuation of real property, leasehold property, or tangible personal property that is taxable in Maryland ([Md. Code Ann., Tax-Gen. § 7-225\(e\)](#)).

The foreign personal representative does not need to obtain letters of administration to act regarding the non-resident decedent's Maryland property.

Contacting the Register of Wills

In some cases, counsel may want to call the Register of Wills to check on the status of the estate file or to visit the office in person to meet with a deputy register to speed the process of opening the estate. Whether this is advisable varies.

5. Who can petition to open an estate and what information is required for the petition?

Standing to Petition to Open Estate

In Maryland, the probate proceeding typically begins with the filing of a petition for administration (see [Question 4](#)). In a judicial or administrative probate proceeding, the following may generally petition for letters of administration:

- The personal representative named in the will.
- A residuary legatee under the will.
- An heir at law of an intestate decedent.
- A creditor of the decedent.

([Md. Code Ann., Est. & Trusts §§ 5-301 and 5-402](#); see [Question 6: Interested Persons](#).)

Statutes of Limitation

After the testator's death, the person with custody of the testator's will must deliver the will to the register in the county that is the proper venue for administration within a reasonable time. A custodian willfully failing or refusing to deliver a will to the register after being informed of the testator's death is liable to a person for damages suffered from the failure or refusal. The custodian may inform an interested person of the will's contents following the death of the testator. ([Md. Code Ann., Est. & Trusts §§ 4-203, 4-205, and 5-103](#).)

For more information on venue, see [Question 2](#). For a definition of interested persons, see [Question 6: Interested Persons](#).

Petition for Probate or Administration

The court process for an administrative probate, judicial probate, or administration proceeding begins with filing the petition for probate or administration (both of which are generally referred to as the petition for administration). The petition must include:

- The decedent's name, domicile, place, and date of death.
- The petitioner's interest in the estate.
- The petitioner's address.
- The county in which the decedent was domiciled at death and, if not domiciled in Maryland, the county in Maryland the petitioner believes was the situs of the decedent's property with the greatest total value at death.
- A list of all other proceedings commenced in Maryland and elsewhere regarding the same estate.
- A statement regarding whether the decedent died testate or intestate and:
 - if testate, the way the petitioner acquired the will and the names and addresses of all persons witnessing the will; or
 - if intestate, a statement of the extent of a search for a will.
- Requests for appropriate relief by the court.

([Md. Code Ann., Est. & Trusts § 5-201](#); see [Form 1112](#) .)

If the estate qualifies as a small estate, the petitioner files a petition for administration, small estate (see [Form 1103](#)).

6. Who does the petitioner have to provide notice to during the estate opening process? Specifically, please discuss:

- **Who is entitled to receive notice?**
- **What notice is required when an estate is open?**
- **Who has standing to object to the petition for probate or administration?**

Persons Entitled to Receive Notice

Interested persons generally are entitled to notice when an estate is opened in Maryland ([Md. Code Ann., Est. & Trusts §§ 2-210, 5-304, and 5-403](#)).

Interested Persons

The following persons are generally considered interested persons in an estate administration:

- A person named as personal representative in a will.
- A person serving as personal representative.
- A living beneficiary in the will (legatee), not fully paid, whether the legatee interest is vested or contingent.
- The testator's intestate heirs.

([Md. Code Ann., Est. & Trusts §§ 1-101\(j\) and 7-502](#).) Although not defined as an interested person, a creditor with a claim on file with the [Register of Wills](#) is also entitled to receive notice in certain circumstances (see [Question 14](#)).

Notice Required to Open Estate

On the opening of judicial probate, the Register of Wills sets the matter for a hearing and notifies interested persons by mail. Once the court appoints the personal representative, the register publishes a notice of the hearing in a local newspaper of general circulation. ([Md. Code Ann., Est. & Trusts §§ 5-201 and 5-403](#).)

On the opening of an administrative proceeding, once the court appoints the personal representative, the Register of Wills publishes notice of appointment (no prior notice is required) ([Md. Code Ann., Est. & Trusts §§ 2-201 and 5-304](#)).

In both types of proceedings (and in a modified administration), the Register of Wills publishes the notice of appointment once a week for three successive weeks in a newspaper of general circulation in the county of appointment ([Md. Code Ann., Est. & Trusts §§ 2-210 and 7-103](#); [MD Rules, Rule 6-331](#)).

Small estates only require notice to be published once in a newspaper of general circulation in the county of appointment if there is likely to be property remaining after the payment of certain fees and expenses. For more information on small estates, including information on notice, see [Question 19: Small Estates](#).

Within 20 days after appointment, the personal representative must deliver to the Register of Wills enough copies of the first publication of the notice of appointment for filing and for delivery to all interested persons ([Md. Code Ann., Est. & Trusts § 7-104](#); see [Form 1110](#)). The register sends a copy to each interested person together with the notice to interested persons under [MD Rules, Rule 6-317](#). This applies to all regular estates but not small estates.

In practice, the newspaper often sends the certificate of publication to the local Register of Wills and the register sends the notice of appointment without requiring the personal representative to provide copies of the first publication. Counsel for the estate receives a copy of the notice the register sent.

Waivers of Notice

In general, an interested person may waive the right to any notice or consent to any matter. The waiver or consent must:

- Set out the specific matter that is the subject of the waiver or consent.
- Be signed by the person waiving or consenting.
- Be filed with the register.
- Be served on the personal representative.

([MD Rules, Rule 6-126](#); see [Form 1101](#) .)

A person may revoke a waiver or consent at any time by filing a revocation with the register and serving it on the personal representative. The revocation has prospective effect. ([MD Rules, Rule 6-126](#).)

Standing to Object

In a regular estate (an administrative or judicial administration that is not a small estate), any interested person may file objections to the will offered for probate or to the appointment of the personal representative. Objections must be filed within six months of the date of appointment. ([Md. Code Ann., Est. & Trusts § 7-103\(b\)](#); [MD Rules, Rule 6-311](#).)

In a small estate, any interested person may object to:

- The appointment of the personal representative within 30 days of publication of notice.
- The will offered for probate within six months of the publication of notice.

([Md. Code Ann., Est. & Trusts § 5-603\(b\)](#); [MD Rules, Rule 6-209](#).) For more information on small estates, see [Question 19: Small Estates](#).

Appointing an Estate Fiduciary

7. How is the person in charge of the estate (referred to here as the fiduciary) appointed? in particular please consider:

- **The procedure for appointing a fiduciary when the decedent died with a will.**
- **The procedure for appointing a fiduciary when the decedent died without a will.**
- **The procedure for appointing a fiduciary in urgent or unusual circumstances.**
- **Any restrictions on a person's eligibility to act as fiduciary, including whether an attorney who prepares a will for a client can act as the fiduciary.**

Appointing a Fiduciary Where Decedent Died with a Will

When a decedent nominates a personal representative in the will, the proposed personal representative or other interested person files a petition to open the estate with the [Maryland Register of Wills](#). The register, or the Orphans' Court in a judicial probate, appoints the personal representative before the personal representative can act ([Md. Code Ann., Est. & Trusts § 5-102\(b\)](#)).

When a will does not name a personal representative or none of the persons named are able or willing to serve, the following persons have priority to serve in the following order:

- The personal representatives nominated according to a power conferred in a will admitted to probate.
- The surviving spouse, registered domestic partner, and children of an intestate decedent, or the surviving spouse of a testate decedent.
- The residuary legatees.
- The children of a testate decedent entitled to share in the estate.
- The decedent's grandchildren entitled to share in the estate.
- The decedent's parents entitled to share in the estate.
- The decedent's siblings entitled to share in the estate.
- Other relatives of the decedent that apply for administration.
- The largest creditor of the decedent that applies for administration.
- Any other person having a pecuniary interest in the proper administration of the decedent's estate that applies for administration.
- Any other person.

([Md. Code Ann., Est. & Trusts § 5-104.](#))

To serve as personal representative, the Register of Wills must issue letters of administration to the personal representative evidencing the representative's appointment and authority to act for the estate ([MD Rules, Rule 6-207](#) and [6-322](#)).

Once the petition for administration is filed, the timeframe for issuing the letters varies depending on the nature of the proceeding, the way the petition is filed, and local practice:

- In an administrative proceeding, if the petition is filed in person, the Register of Wills typically issues the letters of administration at that time.
- In judicial probate, the letters of administration are not typically issued until a hearing is held and a judge rules on the matter. The timeframe for the hearing in judicial probate depends on the county of the proceeding.

In Maryland, letters of administration are valid only with the raised seal of the Register of Wills and do not expire. As a practical matter, many financial institutions request letters of administration dated within 90 days. The personal representative can always obtain updated letters of administration from the register for an additional fee.

Appointing a Fiduciary Where Decedent Died Without a Will

A personal representative in an intestate administration cannot act for the decedent's estate before being appointed by the Register of Wills in administrative probate or by order of the Orphans' Court in a judicial probate proceeding ([Md. Code Ann., Est. & Trusts § 5-102\(b\)](#)).

When there is no will, the following persons have priority to serve, in the following order:

- The decedent's surviving spouse, registered domestic partner, and children.
- The decedent's grandchildren entitled to share in the estate.
- The decedent's parents entitled to share in the estate.
- The decedent's siblings entitled to share in the estate.

- Other relatives of the decedent that apply for administration.
- The largest creditor of the decedent that applies for administration.
- Any other person having a pecuniary interest in the proper administration of the decedent's estate that applies for administration.
- Any other person.

(Md. Code Ann., Est. & Trusts § 5-104.)

Where there is a class of people that are equally entitled to serve as personal representative, the Register of Wills, or the court in a judicial administration, may grant letters of administration to one or more of the people in that class, as necessary or convenient for proper estate administration (Md. Code Ann., Est. & Trusts § 5-106(a)).

All people in a higher class must consent to a person from a lower class serving as personal representative (Md. Code Ann., Est. & Trusts § 5-106(b)). For example, if a grandchild of the decedent seeks appointment as personal representative, that grandchild must have the consent of the decedent's children because they have priority of appointment.

If consents from persons in a higher class cannot be obtained, the person in the lower class may seek appointment as personal representative by judicial probate (Md. Code Ann., Est. & Trusts §§ 5-104, 5-302, and 5-402).

Appointing a Fiduciary in Urgent or Unusual Circumstances

Other letters that may be issued to a fiduciary during a probate or administration proceeding are:

- **Special administration.** The court may appoint a special administrator:
 - whenever necessary to protect the estate property before appointment and qualification of a personal representative; or
 - on the termination of appointment of a personal representative and before the appointment of a successor personal representative.

The request for the appointment of a special administrator may be initiated by the court, the Register of Wills, or on the filing of a petition by an interested person. (Md. Code Ann., Est. & Trusts §§ 1-101(i) and 6-401.)

- **Petition for limited orders.** This procedure is used to locate assets or obtain access to a will located in a safe deposit box at a financial institution. On request by the nominated personal representative or any other interested person, the court issues an order to a financial institution:
 - to disclose assets titled in the sole name of the decedent and the value of the assets (MD Rules, Rule 6-122(c)); or
 - authorizing entry into a decedent's safe deposit box in the presence of the Register of Wills or a deputy Register of Wills for the purposes of locating a will. (MD Rules, Rule 6-122(d).)

For a definition of interested persons, see [Question 6: Interested Persons](#).

Qualification as Fiduciary

A person does not generally qualify as personal representative that:

- Is under the age of 18 years.
- Is mentally incompetent.
- Has been convicted of a serious crime, unless the person shows good cause for the granting of letters. A serious crime is a crime that reflects adversely on an individual's honesty, trustworthiness, or fitness to perform the duties of a personal representative and specifically includes fraud, extortion, embezzlement, forgery, perjury, and theft.
- Is not a citizen of the US unless the person is:
 - a permanent US resident; and
 - the decedent's spouse, ancestor, descendant, or sibling.
- Is a full-time judge of a court established under the laws of Maryland or the US (including a judge of an Orphans' or Probate Court, a clerk of court, or a register), unless the person is the surviving spouse or is related to the decedent within the third degree.
- Is not a Maryland resident, unless there is on file with the register an irrevocable designation by the nonresident of an appropriate person that resides in Maryland on which service of process may be made in the same manner and with the effect as if it were served personally in Maryland on the nonresident.

(Md. Code Ann., Est. & Trusts § 5-105(c).)

8. Is a fiduciary bond required, and if so, in what circumstances?

In Maryland, bond is required in all regular estates (administrative and judicial proceedings, including modified proceedings, that are not small estates) unless either:

- The will expressly waives bond.
- In intestate matters, bond waivers are obtained from all interested persons. For a definition of interested persons, see [Question 6: Interested Persons](#).

If bond is not waived, the court sets bond in an amount to protect all interested persons, including creditors, Maryland (for taxes and fees), heirs, and legatees ([Md. Code Ann., Est. & Trusts § 6-102\(a\), \(e\)](#).)

Even when the personal representative is excused from giving bond:

- The Register of Wills requires a nominal bond ([Form 1116](#)). The court sets a nominal bond in an amount to protect creditors and the state (for inheritance taxes and fees) but does not protect the heirs or legatees.
- The court may still require a full bond on petition of an interested person or creditor for good cause shown.

([Md. Code Ann., Est. & Trusts § 6-102\(b\)](#).)

A national banking association or a trust company serving as a personal representative is not required to give a bond ([Md. Code Ann., Est. & Trusts § 6-102\(c\)\(1\)](#); [Md. Code Ann., Fin. Inst. § 1-101\(p\)](#)).

For more information on:

- Bond in small estates, see [Question 19: Small Estates](#).
- Waiving bond, see [Question 20: Waiving Bond](#).

9. How are the key estate fiduciaries compensated?

Individual and Corporate Personal Representatives

In Maryland, individual and corporate personal representatives are generally entitled to reasonable compensation, subject to a statutory maximum, unless the will explicitly provides otherwise ([Md. Code Ann., Est. & Trusts § 7-601](#)).

Unless the will provides for more compensation, on a petition filed in reasonable detail by the personal representative or special administrator, the court may allow the commissions it considers appropriate. The commissions may not exceed those under statute. If the property subject to administration is:

- \$20,000 or less, the commission may not exceed 9%.
- More than \$20,000, the commission may not exceed \$1,800 plus 2.6% of the amount exceeding \$20,000.

([Md. Code Ann., Est. & Trusts § 7-601\(b\)](#).)

The court requires reasonable detail to award more than the statutory compensation in the absence of a will provision allowing that excess compensation. The personal representative should document the representative's efforts to administer the estate and the time it takes for those efforts, especially where those efforts are unusual or time-intensive (for example, preparing for sale and selling real estate or managing a business of the decedent).

A personal representative does not have to file a petition for compensation if both:

- The requested compensation does not exceed the amount computed under statute.
- The personal representative files written consents of all interested persons to the requested compensation.

([Md. Code Ann., Est. & Trusts § 7-604](#); [MD Rules, Rule 6-416\(b\)\(1\)](#).)

The personal representative must file a fee petition either:

- In the absence of consents, whether or not the fees exceed the statutory range.
- If the requested compensation exceeds the statutory amount. Where the requested compensation exceeds the statutory maximum and there are consent of interested persons to the requested fees, the court considers the consents.

The court may award additional compensation after the personal representative files a fee petition and gives notice to all interested persons. If an interested person objects to the petition, the court holds a hearing. The court may hold a hearing even if no interested person objects. ([Md. Code Ann., Est. & Trusts § 7-601](#); [MD Rules, Rule 6-416\(a\)](#).) As a practical matter, when seeking compensation exceeding the statutory amount, the personal representative must itemize time records by date and hours spent on each task.

For a definition of interested persons, see [Question 6: Interested Persons](#).

Multiple Fiduciaries

Where there is more than one personal representative, the fiduciaries must divide the maximum allowed statutory commission unless a fee petition is filed requesting additional compensation. If the will provides for a higher compensation, the fiduciaries must divide that compensation. The fiduciaries may divide the allowable compensation as they agree. If the fiduciaries cannot reach an agreement, they should file a fee petition and each provide time records in support of their requested fees. ([MD Rules, Rule 6-416.](#))

Drafting Attorney as Executor

There are no special rules if the drafting attorney is named as the personal representative. In practice, attorneys should not name themselves as personal representatives unless the attorney provides full disclosure regarding conflicts and fees, preferably in writing.

10. What is the level of care that each estate fiduciary owes to the beneficiaries of the estate?

In Maryland, a personal representative is a fiduciary with a general duty to settle and distribute the decedent's estate under the will terms and applicable law as expeditiously and with as little sacrifice of value as is reasonable under the circumstances. The personal representative must use the representative's authority under the will, applicable law, court orders, and fiduciary equitable principles fairly considering the interests of all interested persons and creditors. ([Md. Code Ann., Est. & Trusts § 7-101\(a\).](#)) For a definition of interested persons, see [Question 6: Interested Persons](#).

Administering the Estate

11. What are the main duties of the estate fiduciary in administering the estate?

In Maryland, the main duties of the estate fiduciary are:

- Gathering and administering estate assets.
- Paying the decedent's debts and administration expenses.
- Distributing estate assets.

Once the court issues letters of administration, the personal representative should begin to collect the decedent's assets and organize a list of assets to create an inventory to file with the court ([Md. Code Ann., Est. & Trusts § 7-201](#)). The inventory must:

- Disclose the existence and value of all the decedent's probate assets, including real estate (and any encumbrance), cash on hand, and all personal items.
- Be filed within three months of appointment.

For more information on the estate inventory, see [Question 13: Inventory and Information Report](#).

Throughout the administration, the representative should consider the estate's liquidity needs, proper asset management, and any tax consequences from the sale and distribution of assets. As part of the administration, the representative may:

- Pay funeral expenses or reimburse paid funeral expenses.
- Sell or distribute real or personal property.
- Pay for preparation for the sale of real property, such as cleaning or painting.
- Close individual checking or savings accounts and open an estate account.
- File the decedent's final income tax returns.
- File estate and inheritance tax returns.
- File estate fiduciary income tax returns.
- Pay creditors.
- Distribute estate property to beneficiaries or heirs at law.
- Keep detailed and accurate records.

12. What are the key documents and procedures in your state for ongoing estate administration?

In Maryland, the personal representative generally:

- Files the documents to open an estate proceeding (see [Question 4](#)).

- Notifies the decedent's creditors and pays valid claims (see [Question 14](#)).
- Files an estate inventory and an information report (see [Question 12: Filing an Inventory and Information Report](#)).
- Files an administration account within nine months of the date of appointment and every six months after that until the estate is closed (see [Question 12: Filing an Accounting](#)).
- Closes the estate (see [Question 15](#)).

Filing an Inventory and Information Report

The personal representative must file with the court both:

- An Inventory with a Supporting Schedule ([Forms 1122 and 1123](#)) listing decedent's probate assets.
- An Information Report ([Form 1124](#)) listing the decedent's non-probate assets (and their values) subject to inheritance tax in Maryland and the decedent's interests in real property located in other states. For more information on inheritance tax in Maryland, see [State Q&A, Estate Tax: Maryland](#).

([Md. Code Ann., Est. & Trusts § 7-201](#); see [Question 13: Inventory and Information Report](#).)

There is no requirement that the personal representative give notice of the inventory or information report to any estate beneficiary or other interested person or that any party receive a copy of the inventory that the representative files with the court. It is not common practice to give this notice.

All interested persons, including creditors with outstanding claims, receive written notice of the personal representative's accounts. The first of these accounts includes the inventory value of the decedent's assets. Interested persons may file objections to an account with the [Register of Wills](#). For more information on accountings, see [Filing an Accounting](#).

Failure to file the inventory or information report may result in the removal of the personal representative ([Md. Code Ann., Est. & Trusts § 6-306](#)).

Filing an Accounting

Within nine months of appointment, the personal representative must prepare and file with the Register of Wills, or the court in a judicial probate, an accounting of all receipts and disbursements for the register or court to:

- Effectively supervise the personal representative's gathering and later distribution of estate assets.
- Determine whether the representative paid the appropriate probate fee and any inheritance taxes to the register.

([Md. Code Ann., Est. & Trusts § 7-301](#); see [Question 13: Accounts](#).) For more information on the contents of a final account, see [Question 15](#).

Failure to file the accounting may result in the removal of the personal representative ([Md. Code Ann., Est. & Trusts § 6-306](#)).

The personal representative must give notice of the account to all estate beneficiaries as well as creditors with outstanding claims against the estate. Any objections to the accounting must be filed within 20 days of the court's approval of the account. Otherwise, the order approving the account becomes final. ([Md. Code Ann., Est. & Trusts § 7-501](#).)

13. What are the due dates for key documents and processes during and after the estate proceeding?

Service of Process

In Maryland, within 20 days after the personal representative's appointment, the representative must file with the [Register of Wills](#) enough copies of the first publication of the notice of appointment for filing and for delivery to all interested persons. The Register of Wills sends the notice of appointment to the interested persons listed on the probate petition. ([MD Rules, Rule 6-331\(b\)](#).) For a definition of interested persons, see [Question 6: Interested Persons](#).

In practice, the newspaper often sends the certificate of publication to the local Register of Wills and the register sends the notice of appointment without requiring the personal representative to provide copies of the first publication. However, counsel should contact the register to ensure the notice was properly delivered.

Creditor Claims

Creditors generally must present claims within the earlier of:

- Six months after the date of the decedent's death.
- Two months after the personal representative mails or otherwise delivers to the creditor a copy of the notice of appointment, notifying the creditor that claims are barred unless they are presented within two months from the mailing or other delivery of the notice of appointment.

([Md. Code Ann., Est. & Trusts § 8-103](#).)

Though there is no required date by when the personal representative must send notice to creditors, the representative generally searches for and notifies known creditors as early as possible to start the statute of limitations on creditor claims running. Any creditor that receives written notice must file a claim against the estate within two months of the date of the written notice. For more information on creditors' claims, see [Question 14](#).

Inventory and Information Report

The personal representative must file the inventory and information report with the Register of Wills within three months of when the register issued the letters of administration ([Md. Code Ann., Est. & Trusts § 7-201](#), [Md. Code Ann., Tax-Gen. § 7-224](#); see [Question 12: Filing an Inventory and Information Report](#)).

Accounts

The personal representative must file the first account with the Register of Wills within nine months of the date on which the register issued the letters of administration and every six months after that until the estate matter is closed ([Md. Code Ann., Est. & Trusts §§ 7-301 and 7-305](#), [MD Rules, Rule 6-417](#); see [Question 12: Filing an Accounting](#)). For more information on the contents of a final account, see [Question 15](#).

Estate Tax Return

Federal Estate Tax Return

The due date for filing a federal estate tax return is nine months after the decedent's date of death ([26 U.S.C. § 6075](#)). A six-month extension is automatically granted if filed before the return's due date ([26 C.F.R. § 20.6081-1\(b\)](#)).

If an estate has more than one personal representative, only one personal representative needs to sign the estate tax return. However, all personal representatives are responsible for the information on the return ([26 C.F.R. § 20.6018-2](#); see [Form 706 Instructions: Signature and Verification](#)).

Maryland Estate and Inheritance Tax Returns

The Maryland estate tax return is due nine months after the decedent's death ([Md. Code Ann., Tax-Gen. § 7-305\(a\)](#)). An extension of up to six months may be granted to file the return or, if the personal representative lives outside of the US, an extension up to one year may be granted ([Md. Code Ann., Tax-Gen. § 7-305.1\(b\)\(1\)](#)).

The personal representative is generally responsible for filing the estate tax return and usually prepares the inheritance tax filings.

For more information about Maryland estate and inheritance taxes, including the timing and preparations of the returns, see [State Q&A, Estate Tax: Maryland](#) and [Practice Note, Maryland Inheritance Tax](#).

Estate Income Tax Return

The due date for an estate income tax return varies depending on whether the estate is operating on a calendar year or a fiscal year. The return is due by:

- April 15th of the year following the calendar year in which the estate received the income for calendar year estates.
- The 15th day of the fourth month following the close of the tax year for fiscal year estates.

An automatic five and one-half month extension is available (See [Instructions for IRS Form 1041](#)).

Maryland estates are subject to filing requirements for Maryland fiduciary income tax returns like those for federal fiduciary income tax returns. For more information on fiduciary income tax returns in Maryland, see [Comptroller of Maryland: Fiduciary Tax for Individual Taxpayers](#) .

Considerations for Creditor Claims

14. What is the procedure for notifying and paying creditors of the estate?

In Maryland, for administrative, judicial, and modified administrations, once the court opens the estate and issues letters of administration, the personal representative must notify creditors of the decedent's death. The personal representative must make a diligent effort to ascertain the decedent's creditors and must provide notice, via mail or otherwise, of the time within which the creditor's claims may be presented ([Md. Code Ann., Est. & Trusts § 7-103.1\(a\)](#)). Creditors must present their claims on the earlier of:

- Six months from the decedent's death.
- Two months after they receive notice of decedent's death from the personal representative, if provided.

([Md. Code Ann., Est. & Trusts § 8-103](#).)

Once the six-month period has passed, the personal representative either allows or disallows, in whole or in part, each claim. If the personal representative disallows a claim, the personal representative must give the creditor written notification of the disallowance ([Md. Code Ann., Est. & Trusts § 8-107\(a\)](#)). The personal representative is advised to wait the six-month period before paying or settling claims so that the full extent of the decedent's liabilities are known before any creditor receives payment.

The creditor must then file an action against the personal representative (or a person to which property is distributed) within 60 days after the personal representative's mailing of the notice of disallowance. The creditor is otherwise forever barred to the extent of the disallowance. ([Md. Code Ann., Est. & Trusts § 8-107\(b\)](#).)

If the personal representative takes no action allowing or disallowing a claim in whole or in part, the court allows or disallows it on petition, provided the claim was timely filed ([Md. Code Ann., Est. & Trusts § 8-107\(c\)](#)).

Closing the Estate

15. What is the process for concluding (or closing) the estate?

In Maryland, in a regular estate (but not a small estate), the personal representative files a final account with the [Register of Wills](#) to close the estate.

The account must contain, as applicable:

- The date of death value of the probate assets, as shown on the Inventory ([Forms 1122 and 1123](#)).
- All principal receipts for estate property during the accounting period.
- Each principal transaction of an estate asset including purchases, sales, and settlements, indicating the date and description of each transaction, including any gain or loss.
- Receipt of income including rents collected, interest earned, and dividends received.
- The total gross value of the estate.
- An itemized list of all payments and expenses disbursed on behalf of the decedent or the estate during the accounting period.
- The distributions made during the accounting period or proposed to be made during the prescribed period following the approval of the account. The distribution schedule must name the heir or legatee, their relationship to the decedent, and the amount of the distribution.

([MD Rules, Rule 6-417\(b\)](#).)

The personal representative must give notice of the filing of the account, by personal delivery or by first class mail, to each interested person that did not waive notice ([MD Rules, Rule 6-417\(b\)](#)).

If the estate has no assets during the accounting period, the personal representative may file an affidavit of no assets instead of an account ([MD Rules, Rule 6-417\(c\)](#)). The personal representative must serve statutory notice of the account (or affidavit) filing on each interested person that has not waived notice and, on request by that person, provide that person with a copy of the account ([MD Rules, Rule 6-417\(d\)](#)).

The Register of Wills audits all accounts. When the register concludes the audit, it issues an invoice for any probate fees or inheritance tax due. On completion of the audit, the court executes an order of approval of the account subject to any exceptions. ([MD Rules, Rule 6-417\(e\)](#).)

If an interested person files an exception within 20 days after entry of the order approving the account, the court sets the matter for hearing and notifies the personal representative and any other persons as the court deems appropriate of the date, time, place, and purpose of the hearing ([MD Rules, Rule 6-417\(f\)](#)).

If no timely exceptions are filed, the order approving the account becomes final 20 days after it is entered on the docket ([MD Rules, Rule 6-417\(g\)](#)). Distribution as reflected in the account must be made within 30 days after the order approving the account becomes final ([MD Rules, Rule 6-417\(d\)](#)).

For a definition of interested persons, see [Question 6: Interested Persons](#).

16. Please describe if there is any special action needed to discharge the estate fiduciary from continuing liability for actions taken on behalf of the estate.

In a Maryland regular probate, the court's final approval of the final account automatically closes the estate. The court's final approval also automatically terminates the appointment of the personal representative if the final account requests termination, which is typical. ([Md. Code Ann., Est. & Trusts § 10-101](#).)

If no action or proceeding involving the personal representative is pending one year after the estate closes, the personal representative is discharged from any interested person's claim or demand. An interested person can still recover from a personal representative for fraud, material mistake, or substantial irregularity. ([Md. Code Ann., Est. & Trusts § 10-103](#).) For a definition of interested persons, see [Question 6: Interested Persons](#).

Expense and Timeline

17. What are the expected costs for a typical estate proceeding?

The primary costs of an estate proceeding in Maryland are:

- The probate fee, which is set by statute and ranges from \$0 for an estate valued up to \$50,000 to \$10,000 for an estate valued at \$10 million plus, for estates more than \$10 million, 0.02% of the excess above \$10 million ([Md. Code Ann., Est. & Trusts § 2-206\(b\)\(2\)](#)).
- Probate bond premium, if required.
- Publication costs.
- Personal representative's commission.
- Attorney's fees.
- Accountant's fees.

18. How long does the typical estate proceeding take?

The typical timeline for opening and closing an estate in Maryland varies greatly, depending on factors, such as:

- The nature and complexity of the estate assets.
- Whether there are any challenges to the estate.

For judicial probate proceedings, depending on the court's docket, it can take one to three months before a hearing is held on the matter. Non-judicial probate estates are typically opened on the same day the papers are filed with the [Register of Wills](#), within a few days of the filing. The timeline is generally the same for a judicial and administrative probate once a personal representative has been appointed.

A typical estate containing simple assets and no challenges generally takes between nine and twelve months from when the petition is filed until the final distributions are made.

Unless the court extends the time of distribution, the personal representative must distribute the estate assets in the representative's possession within the time to render an account (usually nine months from appointment) ([Md. Code Ann., Est. & Trusts § 7-101\(b\)](#)).

Miscellaneous Estate Proceedings and Processes

19. Please list and describe any simplified or special proceedings or non-court processes for transferring a decedent's assets at death that are available in your state.

Modified Administration

In a regular Maryland estate, the personal representative may elect modified administration within three months of appointment if the estate meets certain qualifications. By electing modified administration, the personal representative eliminates the requirement to file the inventory and any accounts with the [Register of Wills](#). Instead of these documents, the personal representative files a less formal final report.

Electing Modified Administration

Electing modified administration reduces the time spent preparing a formal account. Modified administration is ideal when the personal representative is the sole beneficiary of the estate. When there are multiple beneficiaries (and especially when there are multiple beneficiaries and multiple probate assets), the personal representative should use the traditional, non-modified proceeding.

Often the estate's accountant requests a copy of the probate accounting to prepare the fiduciary income tax returns. If no accounting was required because the estate elected modified administration, the burden for the accounting shifts to the accountant who may or may not be willing to prepare those returns.

Requirements for Modified Administration

To proceed under modified administration, the estate must meet the following qualifications:

- All residuary legatees of a testate decedent and the heirs at law of an intestate decedent must be either:
 - the decedent's personal representative;
 - individuals or entities exempt from inheritance tax in the decedent's estate; or
 - trusts under which each person that has a current interest in the trust is an individual or entity exempt from inheritance tax in the decedent's estate. For more information on inheritance tax in Maryland, see [State Q&A, Estate Tax: Maryland](#).
- The estate is solvent.

- Sufficient assets exist to satisfy all testamentary gifts.
- A verified final report under modified administration can be and is filed within ten months from the personal representative's date of appointment.
- Final distribution of the estate can occur within 12 months from the date of appointment.
- All residuary legatees of a testate decedent, or the heirs at law of an intestate decedent, consent to a modified administration.

(Md. Code Ann., Est. & Trusts §§ 5-702 and 5-706.)

Ancillary Probate or Administration

If a non-Maryland resident dies leaving property in Maryland that does not pass by title or operation of law, Maryland may require either of the following to transfer the property:

- An ancillary probate if the decedent died with a valid will
- An ancillary administration if the decedent died without a valid will.

Maryland generally requires an ancillary probate or administration to transfer a non-resident decedent's Maryland property if either:

- The non-resident decedent's Maryland estate consists of real property. However, if the non-resident decedent's home state appointed a personal representative (a foreign personal representative), that representative is not required to take out letters of administration and instead can act under the authority granted in the domiciliary jurisdiction. The foreign personal representative may, after a few procedural formalities, sell, mortgage, lease, or transfer the decedent's Maryland real property without obtaining letters from a Maryland court. (Md. Code Ann., Est. & Trusts §§ 5-501 and 5-502; see [Question 19: Transfer of Real Property by Foreign Personal Representative](#).)
- The non-resident decedent's home state did not appoint a personal representative, in which case an interested person generally must open an ancillary probate or administration to transfer the non-resident decedent's Maryland personal or real property.

Maryland generally does not require an ancillary probate or administration if the non-resident decedent's home state appointed a foreign personal representative and the decedent's Maryland property only consists of personal property. In this case, the foreign personal representative may take control of the non-resident decedent's Maryland personal property as part of the domiciliary probate. (Md. Code Ann., Est. & Trusts § 5-501.)

Transfer of Real Property by Foreign Personal Representative

A foreign personal representative may transfer the non-resident decedent's Maryland real property without obtaining letters from a Maryland court. However, the foreign personal representative can transfer title to Maryland real property only after the representative files with the Register of Wills in the county in which the real property is located:

- A copy of the appointment and will, if any, authenticated under [28 U.S.C. § 1738](#).
- An application by the foreign personal representative to set inheritance tax.
- An appointment of resident agent.
- A list of recipients of Maryland property.
- Notice to creditors of appointment of foreign personal representative.
- Appraisal or other basis for valuation of the real property.

(Md. Code Ann., Est. & Trusts § 5-504.)

The foreign personal representative must also:

- Pay or secure the payment of any inheritance tax on the real property, and tangible personal property permanently located in Maryland, and file related documentation with the register. The unpaid tax obligation is otherwise a lien against the property. (Md. Code Ann., Est. & Trusts § 5-505 and Md. Code Ann., Tax-Gen. § 7-203(f)(2).)
- Publish notice to creditors, provide notice to known creditors, and pay valid creditor claims generally as in a judicial or administrative estate administration (Md. Code Ann., Est. & Trusts § 5-503(b)). For more information on creditor claims, see [Question 14](#).

Small Estates

If the probate estate is worth \$50,000 or less (or \$100,000 or less if the spouse is the sole legatee or heir), an individual may open the estate and administer it as a small estate. The dollar amount limitations are calculated using the fair market value of the probate assets less any debts secured by the probate assets. (Md. Code Ann., Est. & Trusts § 5-601.) After an individual opens a small estate, there are no ongoing filing requirements with the Register of Wills.

If the value of the small estate exceeds allowed expenses, the personal representative must publish notice of the appointment over the small estate once in a newspaper of general circulation in the county of appointment ([Form 1109](#)). Allowed expenses include:

- Fees due the register.
- Expenses of administration, such as publication costs and appraisals.

- Allowable funeral expenses.
- Statutory family allowances.

([Md. Code Ann., Est. & Trusts § 5-603\(a\)](#); [MD Rules, Rule 6-209](#) and [6-210](#).)

Any interested person may file objections to the will offered for probate or to the appointment of the personal representative. Objections to:

- The appointment of the personal representative must be filed within 30 days of publication of notice.
- The will offered for probate must be filed within six months of the publication of notice.

([Md. Code Ann., Est. & Trusts § 5-603\(b\)](#); [MD Rules, Rule 6-209](#).)

No publication of notice is required if the value of the small estate is less than the allowed expenses. Since no notice is published, the Register of Wills cannot admit the will to probate. Under these circumstances, the register issues letters of administration but accepts the will for filing only. The petitioner may request that notice be published and the Register of Wills admit the will to probate to commence the time for valid challenges (if, for example, there are suspected creditor issues or contentious beneficiaries). ([MD Rules, Rule 6-206](#).)

Unless bond is waived under the will or by the written waiver of all interested persons, a person appointed as a personal representative must give bond if the estate has a gross value of \$10,000 or more after the payment of expenses and allowances ([MD Rules, Rule 6-222](#)).

To open a small estate, the petitioner must show a certified copy of decedent's death certificate and file:

- The original will and any codicils.
- Petition for Administration - Small Estate ([Form 1103](#)), which generally contains the same information as petitions for administration in regular estates (see [Question 5: Petition for Probate or Administration](#)).
- Schedule B ([Form 1137](#)) summarizing the value of the probate assets and decedent's debt and administration expenses. The petitioner must include proof of funeral expenses and the value of assets reported on this schedule.
- List of Interested Persons ([Form 1104](#)), including the names and addresses of:
 - the petitioner;
 - the legatees under the will; and
 - the decedent's heirs at law.
- Information Report ([Form 1124](#)), which the Register of Wills uses to determine whether Maryland inheritance tax is owed on non-probate assets passing from a decedent to a person not exempted from the inheritance tax ([Md. Code Ann., Tax-Gen. § 7-203](#)). For more information on inheritance tax in Maryland, see [State Q&A, Estate Tax: Maryland](#).

([Md. Code Ann., Est. & Trusts §§ 5-602](#); [MD Rules, Rule 6-201](#).)

There are no probate fees for a small estate proceedings in Maryland filed on or after October 1, 2022 ([Md. Code Ann., Est. & Trusts § 5-606](#)).

The petitioner may need to file additional documents in a small estate, if applicable:

- Bond ([Form 1115](#)), if bond is required. If the will waives bond or if all interested persons sign bond waivers, no bond is not required. In the absence of waivers, bond is required if the value of the small estate is \$10,000 or more, after payment of funeral expenses and allowances ([Md. Code Ann., Est. & Trusts § 5-604\(a\)](#)). For more information regarding bond, generally, see [Question 8](#).
- Small Estate Notice of Appointment, Notice to Creditors and Notice to Unknown Heirs ([Form 1109](#)). The petitioner must publish notice in small estate matters when the value of the probate assets exceeds the amount of funeral expenses and allowances ([Md. Code Ann., Est. & Trusts § 5-603\(a\)\(4\)](#)); see [Question 6: Notice Required to Open Estate](#)).
- Consents to Appointment of Personal Representative ([Form 1118](#)) from interested persons to appointment if the petitioner does not have priority of appointment.
- Appointment of Resident Agent ([Form 1106](#)) if the petitioner is a non-resident of Maryland.

For a definition of interested persons, see [Question 6: Interested Persons](#). For more information on small estates, see [Small Estates](#).

Transfer of Motor Vehicle, Boat, or Vessel

Probate is not necessary to transfer up to two motor vehicles belonging to the decedent, if the vehicles are the only property the decedent owned and the decedent's spouse is the sole heir or legatee. The Motor Vehicle Administration may transfer the title to the vehicles to the decedent's spouse on proof of death (by a copy of the decedent's death certificate) and marriage (usually by a copy of the decedent's marriage certificate), if the surviving spouse certifies all debts and taxes the decedent owed were paid. ([Md. Code Ann., Est. & Trusts § 5-608\(a\)](#).)

Probate is similarly not required if the only property the decedent owned is a boat or vessel with an appraised value of less than \$5,000 and the decedent's spouse is the sole heir or legatee. The agency that issued the certificate of title may transfer it to the surviving spouse if:

- The surviving spouse certifies to the agency that all the decedent's debts and taxes were paid.

- The agency receives:
 - evidence of the boat's value, which does not exceed \$5,000;
 - a copy of the decedent's death certificate; and
 - suitable proof of marriage.

(Md. Code Ann., Est. & Trusts § 5-608(b).)

If the requirements for these expedited processes are not met, a small estate or regular estate may need to be filed depending on the value of the estate assets.

Waiver of Probate Requirements and Formal Probate

20. What types of estate proceedings or probate requirements can be waived by will in your state? Specifically, please discuss:

- **Whether any particular language is required to accomplish a waiver and if so, please include the language.**
- **Whether it is common to waive these estate proceedings or probate requirements.**

Probate Proceedings

Probate proceedings may not be waived in Maryland.

Waiving Bond

In Maryland, wills typically contain a provision waiving the requirement for a personal representative to post a fiduciary bond, such as:

"To the extent permitted by law, no bond or other security shall be required of the Personal Representatives for the faithful performance of such Personal Representative's duties hereunder."

In a regular estate, if the will or the interested persons waive bond, the court requires nominal bond. In a small estate, if bond is waived, the court does not require bond.

For more information on bond, see [Question 8](#).

DOCUMENT TYPE

PRODUCTS

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