

Qualitative Assessment of Estate Planning Services Ecosystem in Baltimore

May 2022

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By Seema D. Iyer, PhD, Baltimore Neighborhood Indicators Alliance-Jacob France Institute (BNIA-JFI)

Introduction

To better understand the context of the My Home, My Deed project in Baltimore, BNIA-JFI conducted 6 semi-structured interviews with key personnel from organizations performing similar and complementary estate planning and administration services for low-income clients. Organizations included Civil Justice Network, Baltimore City Register of Wills, St Ambrose Housing Aid Center, Senior Legal Services of the Baltimore City Bar Association, Pro Bono Resource Center of Maryland, and Maryland Volunteer Legal Services. Interviews were conducted during the Fall of 2021 (October – November). The list of potential questions was developed in collaboration with MVLS staff (see Appendix A).

One key finding from the interviews was that the organizations represent a small but tightly knit group that have an implicit understanding of how each “works on our own piece of the puzzle to keep low-income homeowners in their homes. We all know each other. We know what each other is doing.”

Most organizations also pointed to the fact that significant increases in estate planning and administration services were a direct result of the fallout from the 2008 housing market crash. As staff engaged in mortgage foreclosure prevention, they formed different legal coalitions to prevent the kinds of issues that were leading to mortgage arrears such as tax sale foreclosures. Because tax sale clients were not listed as proper owners, the need for estate administration became more evident. Interviewees all clearly stated that their work in estate planning represents a preventative measure or “upstream way” to prevent tax sale or other foreclosures and property loss.

What Services are Provided?

In general, many more providers are engaged in estate planning services as opposed to estate administration; and due to the nature of funding streams (see below) most services are targeted towards low-income seniors who are 60-years or older. Estate planning services include preparing wills, advance directives, life estate deeds and powers of attorney, which if in place, could prevent the need for significant estate administration required in the absence of these documents. Other services such as defending people from debt collection lawsuits (which might include rent) or illegal evictions could also impact housing insecurity.

Given the small size of most of the non-profit organizations, very few have any staff who can assist low-income clients beyond planning or with probate matters (management and allocation of an estate after someone dies) for a wide variety of reasons. The first is the time needed to rectify the problems associated with tangled titles (when the name of the presumptive heir or even person living in the house is not on the deed). Some interviewees related incidents where the process took more than a decade to

complete. The second reason is that due to the length of time these cases can take, clients are referred to the organizations' panel of pro bono attorneys where the expertise may or may not exist.

The need for MVLS' estate administration was very clear both for low-income clients who may not have the resources to retain a private lawyer for the duration of clearing title as well as very few services are available to non-senior clients under age 60.

Sources of Funding

The most common source of funding for the organizations was the federal pass-through of Title III-B (supportive services for seniors) from the Maryland Department of Aging or the Baltimore City Health Department Office of Aging. Funding for the My Home, My Deed project came predominantly from the Maryland Department of Housing and Community Development which enables service-provision to low-income clients under 60. Other sources identified came from the Maryland Legal Services Corporation, Baltimore County block grants (CDBG), Baltimore County Department of Housing and Community Development, private foundation grants, individual donors and other organizational fund-raising activities.

Partnerships and Outreach

Partnerships with community-based organizations were the key for organizational outreach to both raise awareness about estate planning and administration as well as to engage in direct service. To connect and build trust with people in Baltimore City and Baltimore County, "we go wherever people will have us...we need to get into trusted spaces like community centers and churches with trusted people."

Many partners have sites or buildings where interviewed organizations could host an informational session or clinic:

- Baltimore City Housing and Community Development/Senior Buildings
- Baltimore County Public Library Wills Wednesdays program: "We can easily prepare 50 documents for 30 or so people"
- Public Housing
- Rec and Parks locations such as the Rowing Center
- Pratt library locations/ mobile law library center
- Nursing Facilities

Other partners had a built-in network of contacts that help with communications such as newsletters and mailers:

- Office of Aging/Department of Aging--Baltimore City Health Department
- Register wills for Baltimore City
- Elder Law arm of the Maryland State Bar Association (MSBA)

As mentioned previously, of course, each of the organizations mentioned each other as both partners and ways for clients to be referred:

- Maryland Volunteer Lawyers Service (MVLS)

- Pro Bono Resource Center (PBRC)
- Maryland Legal Aid
- St Ambrose Housing Aid

Finally, partnerships need to be created for staffing support, client support, or filing and other issues that arise during the estate planning/administration process:

- Probate Court judges/Orphans Court
- State Board of Education (holder of assets if there is no will)
- Social workers
- University of Baltimore Law School/Clinic

Adjusting During the Pandemic (“Outreach was a big problem”)

All of the interviewed organizations cited having major difficulties providing services since March 2020. Many of the “trusted spaces” mentioned above were closed during the height of COVID19 stay at home orders, but completely remote consultation was very challenging for staff because estate planning is a very document-heavy engagement where staff are generally face-to-face looking at and working through the documents. Even when events happened safely after a while, not as many clients came out at the beginning, and when they did the need was overwhelming.

Organizations became creative with their outreach models finding new ways and partners to spread the word. Some partnered with Meals on Wheels of Central Maryland to deliver information or partnered with AARP during a virtual town hall. Another organization mentioned that they focused on the documents that can be done without a lawyer such as advanced directives so that at least some part of estate planning resumed.

Clients’ Issues Overall

Although the purpose of these estate-related services has a clear goal (ensure the deed to the property accurately reflects the rightful owner), several issues come up during the consultation process that make the work challenging and often long-lasting. Below are the kinds of barriers that arise for completing, and in some cases even beginning, the work.

- *Tangled titles*
 - For a client coming to get their name listed on the deed when there is no will, staff have to search for any heirs or anyone that might have an interest in the property. “We have to create a family tree and then we get into family dynamics.” Mediation could help create resolution if there is any contestation between interested parties. If there is prolonged contestation, there could be a need for a private attorney to resolve fights over the assets, which of course is out of the reach for most eligible clients.
- *Lack of knowledge*
 - Upfront: “Even calling it estate planning can put people off.” The term estate often connotes something that only applies to wealthy people, so low-income households may not think their property or assets would be covered.
 - After the fact: someone who's just died, and people just do not know what to do

- individuals whose name was on the House passed away 20 years ago now the children have been living in it and they don't know what to do
- *Organizational hand-off*
 - Clients may come to one organization such as MD Legal Aid for assistance with tax sale foreclosure, but that's when it becomes known that there are tangled title issues. Because they do not assist with estate administration, Legal Aid needs to refer that client to another organization such as MVLS.
- *Recurring process*
 - clients who come back sometimes year after year to edit their documents and have new documents drafted because they don't have a lot of stability a lot of times in the folks around them
 - "It's not really a one and done thing"
- *Recordation delays*
 - Frustration with the recordation process was nearly uniform. "Recording the deed is an absolute excruciating nightmare. It's almost as though they don't care whether you get your recorded or not." The delays could cause funding to expire or arrears to accrue. Staff pointed to recordation inefficiencies as the main reason why wills are often easier than estate deeds for clients.
- *Compounding issues over time*
 - In the interim of transferring property to a rightful heir, lots of issues can pile up and create more barriers to proper transfer of title. For example, if the property has existing liens such as water bills, the estate cannot transfer. And the heir cannot access help to pay the water bill, because the property is not in their name. Other environmental citations could also be accumulating such as trash or high grasses which could in turn lead to tax sale. Delays in recordation can prevent the new owner from filing for a homestead or even homeowners tax credit application so they could be spending more money than they anticipated.
- *Absence of personal representative*
 - A very common barrier to transferring property is that the owner does not have anyone who can be a personal representative or an identifiable beneficiary. In the cases where there is a beneficiary or trustee, often they cannot obtain a personal representative (PR) bond due to background or the need to be creditworthy. or have credit history that is not sufficient to obtain the bond which is a major barrier
 - you're not supposed to be personal representative if you been formally convicted of a felony
- *Transportation*
 - The lack or unreliability of transportation in Baltimore was mentioned as a major barrier to service provision. A lot of time is lost when clients come 15-30 minutes late for a one-hour consultation.
 - Also a good number of clients are actually homebound and don't leave their home, therefore in-home visits need to be part of the services provided.

Broadening the Ecosystem to Address Tangential Issues

Clients might need to address other problems before moving forward with estate services, and these could be ways to deepen the network of organizations who might be tangentially connected to housing security. Some clients needed tax assistance to understand the implications of various choices made during estate planning; perhaps a clearer relationship with Maryland Cash Campaign could prevent delays. A reliable bankruptcy resource or a broader panel of pro bono bankruptcy practitioners was also cited. Finally, for clients who do not have anyone who can be a personal representative or trusted person, there needs to be a broader set of options and non-profits who can serve in that capacity, even if for a fee.

Organizational Issues

All organizations mentioned the lack of consistent and adequate resources (money, staffing and pro bono assistance) to sustainably provide services. Most organizations are short staffed (between 2-4 lawyers with 1-2 paralegals) and given the intense nature of the work, long term staff retention is a challenge. While pro bono attorneys can serve as an alternative to direct funding, maintaining expertise with these kinds of services is itself a challenge, there did seem to be a loss of active pro bono lawyers during the pandemic.

Advocacy

While not every organization actively engaged in advocacy around estate planning and administration, nearly all participated in the ad hoc coalitions that formed over the decade to share information with each other. For those that did participate in direct advocacy by providing testimony or writing op-eds, there has been an impressive set of legislative and other changes that have occurred in Maryland since the foreclosure crisis (See Appendix B below of PBRC advocacy tracking). Future advocacy items include enabling periodic property tax payments instead of pre-paid only. There is also a need for more interjurisdictional coordination and cooperation.

Key Service for Organizational Mission

Despite the many challenges associated with estate planning and administration, organizations interviewed saw these services as critical to their mission. They recognized that these seemingly simple services had long lasting impacts.

- “I will fully admit this isn't an issue that was screaming at me in the face as far as how important it is, but looking at that through kind of a racial and economic justice lens it kind of slaps you in the face”
- “I can take out a will for somebody quick and easy in 30 minutes and that is creating decades of stability”
- “Stabilizing those properties for generations an amazing powerful thing”
- “It's obvious how easy it is to strip assets from lower income people or people who don't have access to the same level of legal services as people who can afford it”
- “It's staggering to think about how much good could come from that thing that we do”

Other Helpful Resources

- *Data*: Need more data on how prevalence of these issues
 - The general public does not know how much of a problem tangled titles are
- *Raising Awareness*: Need an educational program or public service announcements (See Appendix C from Baltimore City Register of Wills)
 - Organizations spend a lot of time demystifying the work and the process for clients and community stakeholders because not enough people are aware of the impact of this work. They suggested a more team-based approach to disseminating information because when any organization helps raise awareness, it helps all organizations doing this work. Public education about estate planning and administration could have the greatest cost savings for individual organizations so staff can focus on the work itself.
- *More intuitive self-help resources*
 - Some of the work staff does may not actually require the services of an attorney. More self-help options and easier processes for people to follow through the courts could also reduce staff costs.
- *Could use more buy-in from the Register of Wills*
 - Work more hand in hand with legal service providers
 - Waive probate fees especially since they had access to a MLSC attorney
- *Work with existing trusted resources in communities*
 - You can't necessarily just march into communities and tell people what they need; it's not you know a great way of inspiring trust

How Organizations Define Success

- Success came in the form of both immediate wins and long-term systemic reform. Staff reported satisfaction with clients who are happy and have greater peace of mind after an interaction because the process translated the homeowner's wishes into an action plan or practical steps toward achieving their goals. Longer term the work could be the tipping point where families who are traditionally not able to accumulate wealth from generation to generation and provide some economic stability within a family. Broader reforms would include a complete overhaul of existing systems such as the tax sale process.

Future

- As mentioned previously, this work has gained momentum and some prominence just in the past 6 years or so. All organizations were concerned that funding reductions could lead to extremely scaled down levels of service for communities and low-income homeowners in Baltimore. ARPA funds (Recovery Act) could be the next area of funding to sustain programs to ensure housing security in the future.

Appendix A:

Questions for other programs/efforts

1. What is the scope of services you offer?
 - a. Estate Planning is different from Estate Administration Services
2. How long have you been doing this work?
3. What are your main sources of funding?
4. What is your outreach plan/approach?
5. Is there a geographic area that you work in?
6. Which governmental agencies do you work most with?
 - a. Can you discuss any lags/problems that you face with any particular agency?
7. What partners do you regularly work with?
8. What are the issues your clients are facing?
 - a. Are there any deed requirements that are causing problems for your clients (recordation?)
 - b. Other barriers that your clients face beyond income and geography
 - c. Not wanting to discuss difficult conversations like death
 - d. Are there trusted advisors that assist with communicating with your clients about these issues?
9. What are the issues you are facing internally (your personnel/organization)?
 - a. COVID-related? Non-COVID related
 - b. Other systemic structural issues
10. Has your organization engaged in advocacy around these topics now that you are engaged in this work?
 - a. Worked together to remove barriers? Clients suffering from xx?
11. Why are you doing this work? Does it further the mission of your organization? Further the mission of your advocacy work?
12. Beyond funding, what additional resources or awareness would your organization need to do this work? To do even more/succeed even more?
13. How do you define success in this work?
14. Is there something on the horizon that might cause you stop offering these services?

Appendix B: Example of Advocacy Tracker from PBRC

Legislative Advocacy – Agenda and Tracking

Winter/Spring 2021

Advocacy Items:

COVID-Related (urgent)

1. Delay or cancel the 2021 tax sale
2. Remove owner-occupied properties from the 2021 tax sale
3. Provide an exemption from tax sale for those whose income has been affected by COVID or who can show they were unable to make their tax payments due to COVID
4. Allow for retroactive Homeowners' Tax Credits to be applied to the taxes due in the fall of 2020, either generally or for those who can demonstrate their income has been affected by COVID

Long-Term

5. Expand the HOTC deadline to have it be retroactive to the prior year's taxes for those homeowners who are on the tax sale list published in March
6. Amend the HOTC to be an ongoing benefit, not one that must be applied for annually
7. Eliminate the clean lien sheet requirement for heirs
8. Allow the HOTC to extend to heirs
9. Allow payments plans for property taxes (*legislation currently before the Baltimore City Council*)

Tracking:

Advocacy Actions Taken

Item	Action Taken	Notes/Scheduling
White Paper to the Mayor Advocating to Reform the Tax Sale System	PBRC signed on for submission to the Mayor on 2/12. PBRC publicized via social media on 2/16.	Sent to Mayor 2/12.

Letter to the Mayor and the Department of Finance calling to cancel or postpone the 2021 tax sale	PBRC drafted letter. CDN coordinated sign-ons.	Sent to Mayor and Finance Director on 2/19.
Press conference re: tax sale	Allison will speak	Scheduled for 3/22
Op-ed to delay tax sale - Baltimore Sun	Allison drafted. Coalition edited.	Published 3/25.
Op-ed to reform tax sale - Baltimore Brew	Allison wrote	Published 5/7.

Pending Legislation Chart – Maryland State Legislature

Bill	Action Taken	Notes/Scheduling
HB252 - Withholding OO properties from tax sale 6/1/2021 to 6/30/2023	Submitted written testimony 1/15. Favorable.	In Ways and Means Committee. Hearing 1/19. Passed. To Governor for signature. Permissive, not mandatory.
HB387 – HOTC hardship exception for homeowners over income limit	Submitted written testimony 1/22. Favorable.	In Ways and Means Committee. Hearing 1/26. Not moving forward.
HB177 – Limiting property tax increases under state of emergency	Submitted written testimony 1/15. Legislation withdrawn.	In Ways and Means Committee. Hearing 1/19. Withdrawn by sponsor.
SB 232/HB 478 – Civil Cases – Increasing Surcharges (Add'l revenue for MLSC)	Submitted written testimony 1/22 for SB 232. Favorable. Submitted written testimony 2/15 for HB 478. Favorable. (Testimony with CPP story; in MLSC filing bill file).	In Senate Judicial Proceedings Committee. Hearing 1/26. In House Judiciary Committee. Hearing 2/17. DID NOT MOVE FORWARD.
SB 413/HB 514 – MLSC Funding – Abandoned Property	Submitted written testimony 1/29 for SB 413. Favorable. Favorable. Submitted written testimony 2/8 for HB 514.	In Senate Budget and Taxation Committee. Hearing 2/2. In House Appropriation Committee. Hearing 2/10. Passed. To Governor for signature.
HB 610 – Homeowners' Property Tax Credit – Transfer of Dwelling to Surviving Family Member	Submitted written testimony 1/29. Favorable.	In Ways and Means Committee. Hearing 2/2. Passed. To Governor for signature.
HB 852 – Property Tax – Tax Sales – Homeowner Protection Program	Submitted written testimony 2/12. Favorable.	In Ways and Means Committee. Hearing 2/16. Passed. To Governor for signature.

		Effective June 1, 2022.
HB 1234 – Homeowners’ Property Tax Credit – Eligibility and Automatic Renewal	Submitted written testimony 2/26. Favorable.	In Ways and Means Committee. Hearing 3/02. Not moving forward. DID NOT MOVE FORWARD.
HB 1015 - Real Property – Transfer to Heir – Exemption From Prepayment of Taxes	Submitted written testimony 2/19. Favorable.	In Ways and Means Committee. Hearing 2/23. Not moving forward. DID NOT MOVE FORWARD.
HB 158 – Altering definition of total property tax to eliminate credits, providing for tax credit refunds		In Ways and Means Committee. Hearing 1/26. Passed. To Governor for signature.
HB 1217 – Baltimore City – Tax Sales – Owner-Occupied Residential Property		In Ways and Means Committee. Hearing 3/2. Not moving forward. Raises threshold for OO properties to \$2,500
HB 1219 – Baltimore City – Tax Sales – Notice		In Ways and Means Committee. Hearing 3/2. Passed. To Governor for signature. Requiring notice sent by first-class certified mail.
HB 1221 – Baltimore City – Tax Sales – Water and Sewer Liens		In Ways and Means Committee. Hearing 3/2. Not moving forward. Prohibiting water and sewer liens from being considering in determining total delinquent taxes amount.
HB 1222 HB 1219 – Baltimore City – Tax Sales – Notice Requirements		In Ways and Means Committee. Hearing 3/2. Passed. To Governor for signature. Requiring notice to contain itemized list of each delinquent tax.
SB258 – Property tax exemption for disabled veterans		In Budget & Taxation Committee. Hearing 1/14. Not moving forward.
SB269 – Property tax exemption/ refund for disabled active-duty military, veterans, surviving spouses		In Budget & Taxation Committee. Hearing 1/20. Not moving forward.

SB174 – 5-year assessment cycle for property taxes		In Budget & Taxation Committee. Hearing 1/27. Not moving forward.
SB117 – Creation of Workgroup on Minority Homeownership, Neighborhood Revitalization, and Household Wealth Equity		In Education, Health, and Environmental Affairs committee. Not moving forward.
SB325 - To eliminate additional taxes, fees, penalties accruing after the tax sale for purposes of redeeming OO properties		In Budget & Taxation Committee. Hearing 1/27. Passed. To Governor for signature. Eliminates the requirement to pay this year's taxes as well as the delinquent taxes to redeem.

Pending Legislation Chart - Baltimore City Council

Bill	Action Taken	Notes/Scheduling
21-0002 - Authorizing installment plans for payment of real property taxes		In Ways and Means Committee. Introduced by Odette Ramos.
21-0016 – Authorizing installment plans to pay arrearages on taxes and city liens		In Ways and Means Committee. Introduced by Odette Ramos.
21-0034 -- Tax Sale - Postponement For the purpose of prohibiting the Mayor and City Council from conducting or otherwise scheduling a tax sale during the 2021 calendar year	N/A	In Ways and Means Committee. Introduced by Odette Ramos. City Law Dept issued memo on 2/4 that City Council does not have the statutory authority to postpone the tax sale. Only the Dir of the Dept of Finance can set or change the tax sale date. 2/17 - Councilwoman Ramos is in the process of turning the legislation into a resolution.

Appendix C: Example of Public Service Announcements from Baltimore City Register of Wills



LAST WILL AND TESTAMENT

_____, residing _____
certainty of death, do hereby

"WHERE THERE'S A WILL, THERE'S A WAY" ~ BELINDA K. CONAWAY, REGISTER

REGISTER OF WILLS FOR BALTIMORE CITY

Located in downtown Baltimore (111 N. Calvert Street, Baltimore, Maryland 21202), the Register of Wills is a public office established under the Constitution of the State of Maryland. The office is responsible for appointing individuals as Personal Representatives in order to administer their deceased loved ones' estate(s) and overseeing the implementation and timely administration of those estate proceedings. When someone passes with assets to be designated for distribution, institutions almost always require that those seeking to obtain those assets present them with a 'Letter of Administration' in order to conduct such business. That document is obtained through our offices. We advise and assist the public in obtaining such documents, as well as in the preparation of any required forms. Our office is also responsible for preserving the public record of such estates, tracking each estate and referring delinquent accounts to the Orphans' Court - for whom we serve as their Clerk. We determine the amount of, and collect, any and all inheritance taxes, probate fees/court costs; audit estate accounts and verify compliance of such orders. We also provide the public with the service of safekeeping their Last Will and Testament. For all other questions, feel free to reach our office at: 410.752.5131 or online at: www.registers.maryland.gov



Belinda K. Conway

REGISTER OF WILLS FOR BALTIMORE CITY

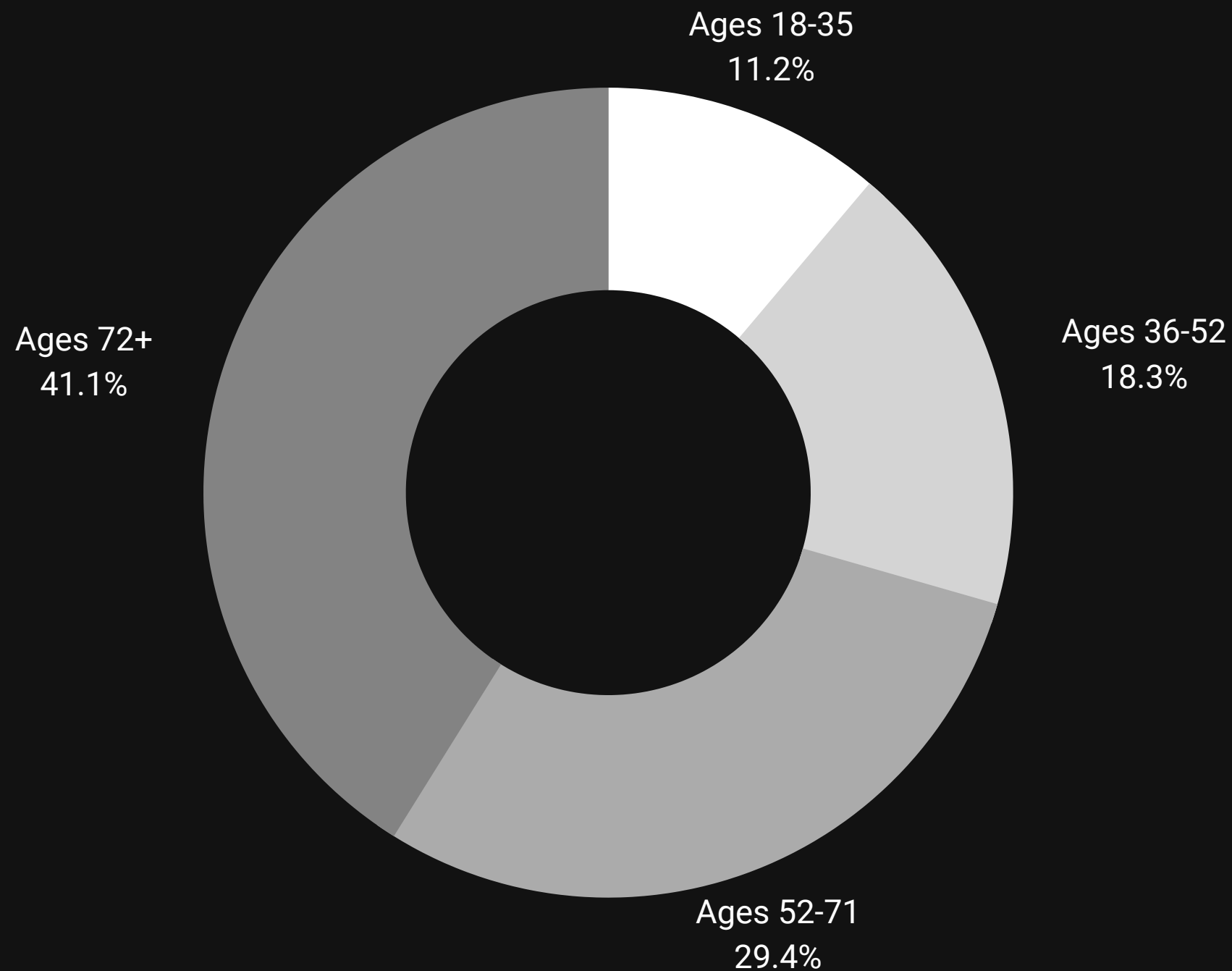




FACTS AND DETAILS ABOUT WRITING YOUR WILL

*The information contained in this booklet is provided for informational purposes only, and should not be construed as legal advice on any subject matter.
You should not act or refrain from acting on the basis of any content included in this site without seeking legal or other professional advice*

Average Annual Filing of Wills



Don't miss out on representing your generation by writing and filing your Will for safekeeping TODAY! "Where there's a Will, there's a way"!

WHAT IS A WILL?

A Will is a written document directing the disposition/distribution of a person's assets after death. Written before the person passes, this legally-binding document has several requirements that make it legal here in Maryland. First, the Will must be signed by the person making the Will, known as 'testator' and it must be witnessed, and signed by two credible witnesses. Your Will does NOT have to be notarized, but must designate a Personal Representative to be the executor of the estate.

WHY IS A WILL AN IMPORTANT DOCUMENT TO HAVE?

A Will is your final wishes in many cases, designating who shall receive your most precious and hard-earned assets. By writing a Will, you specify how you would like your property distributed after your demise, naming a Personal Representative who takes on the responsibility of collecting all the assets, paying any outstanding debts or bills and equally distributing your assets as you deemed necessary.

ONCE A WILL IS WRITTEN, CAN IT BE CHANGED?

Absolutely! Though a Will cannot be altered from its original form, but it can be added to by what is known as a "codicil". This document must be executed with the same formalities as your Will (two people witnessing and signing off on the document), and cannot be executed if a person is no longer deemed mentally competent.

HOW DO I FILE MY WILL FOR SAFEKEEPING?

Once you have completed the Will process, you can bring the document down to the Register of Wills office for your county, where you can include the Will in the blue envelope we have designed for will safekeeping OR you can place your Will in a sealed envelope and include the following information on the front of the envelope: Name (Person whose Will it is for/Testator), Current Address, Last Four Digits of their Social Security #, Date of Entry, Name of the Personal Representative and Name of who deposited the Will.

WHAT HAPPENS IF I DIE WITHOUT A WILL?

Not having a Will upon death means you die intestate thus allowing the State of Maryland to direct the order of priority for those individuals seeking to become the estate Personal Representative and decide on which heirs are entitled to receive your assets; and in some cases, the Orphans' Court shall appoint the guardian of your minor child(ren). If you are survived by a spouse and a minor child, the spouse receives half of the estate and the child will receive the balance; however, if the child is NOT a minor, the spouse's share is \$15,000 plus half of the estate. If you have no spouse and only children, the estate will be divided equally amongst the surviving children. If you have no living heirs, your estate can be donated to the local Board of Education.

HONORABLE BELINDA K. CONAWAY
Register of Wills for Baltimore City
BALTIMORE, MD 21202

DEPOSITED BY _____

LAST WILL AND TESTAMENT
OF

(NAME)

(ADDRESS)

SOCIAL SECURITY NUMBER

DATED: _____

PERSONAL REPRESENTATIVE: _____

**MYTHS AND FACTS
ABOUT WILLS**

Myth:

I am young and not wealthy, I don't need a will. They are only for rich, old people.



Fact:

Everyone has an estate and therefore everyone needs a will. Without a will, the state will decide who receives the assets you acquired throughout your lifetime. Creating a will makes sure that your loved ones receive items of sentimental or monetary value.

Anything you have worked hard to obtain, including your house(s), car(s), bank account(s), etc...is an asset that can be included in your Will. This is something that you do not want to leave to chance once you pass, regardless of your age, since none of us know the time nor the hour. You want to make sure that the person you designate as your Personal Representative is someone you trust, and they are willing to serve in this capacity.

You should also include in your Will whether you want your Personal Representative to serve with or without a bond, which serves as an insurance policy protecting the assets of the estate until they are properly distributed to all the heirs listed in the estate.

Opening an Estate



SMALL ESTATE

Property of the decedent is established to have a value of \$50,000 or less (\$100,000 or less if the spouse is the sole heir).

For persons dying prior to October 1, 2012, the Small Estate limit is \$30,000 or less (or \$50,000 or less if the sole heir or legatee is the surviving spouse).



REGULAR ESTATE

Property of the decedent subject to administration in Maryland is established to have a value in excess of \$50,000 (in excess of \$100,000 if spouse is sole heir).

For persons dying prior to October 1, 2012, a Regular Estate consists of assets with a gross value in excess of \$30,000 (or \$50,000 if the sole heir or legatee is the surviving spouse).

DOCUMENTS NEEDED TO OPEN AN ESTATE

→ **DEATH CERTIFICATE**

→ **FUNERAL BILL**

→ **ORIGINAL WILL**

→ **PROOF OF ASSETS**

→ **FEES (CASH/CREDIT CARD)**

→ **NAMES AND ADDRESSES OF ALL HEIRS**



ROW Pre-Passing Preparation Paper (Things to Consider)

We believe that preparation for the inevitability of ones passing is the first step to protecting your family and the assets that you’ve worked so hard for. The following documents and information will be helpful, so please consider gathering the following information and placing it with a copy of your will. This guide is merely a helpful tool and not a requirement nor does it contain any legal advice or counseling. You should consider consulting an attorney to ensure that all the important documents rendered and aspects of your estate are addressed.

Full Name: _____ Date of Birth: _____

Birthplace (City/State/Hospital): _____

Social Security #: __-__-____ Address: _____

Immediate Contact Person Information:

(Name)_____ Contact Info: _____

(Name)_____ Contact Info: _____

Do you have a Will? ▢ YES ▢ NO Date Will was prepared? _____

Personal Rep.: _____

Location of Will:_____ Name of County/City: _____

ROW Pre-Passing Preparation Paper (continued)

Insurance Information:

(Company Name): _____ Policy #: _____

(Company Name): _____ Policy #: _____

Banking Institution:

(Name of Institution): _____ Address: _____

☐ Checking ☐ Savings ☐ CD ☐ IRA ☐ Other

(Name of Institution): _____ Address: _____

☐ Checking ☐ Savings ☐ CD ☐ IRA ☐ Other

Are you a veteran? ☐ YES ☐ NO Branch of Service: _____ Discharge Date: _____

Service #: _____ V.A. Claim #: _____ Rank: _____

Do you own a house? ☐ YES ☐ NO If yes, whose name(s) are on the deed? _____

Where is the deed located? _____ Is there any debt owed on the house? ☐ YES ☐ NO

Do you own a vehicle? ☐ YES ☐ NO If yes, whose name(s) are on the title? _____

Where is the title located? _____ Is there any debt owned on the car? ☐ YES ☐ NO

Do you have any other assets which are not listed? ☐ YES ☐ NO If yes, please list?

Name of Preferred Funeral Home): _____ Address: _____

Did you pre-pay for your funeral services? ☐ YES ☐ NO If yes, please attach a copy of the receipt.

Religion/Denomination: _____ Minister: _____

Contact Info of Religious Institution/Minister: _____

Funeral Preference: ☐ Burial ☐ Cremation Location: _____

Burial Clothing Preference: _____

Service Flowers/Music/Special Arrangements: _____

Eulogy Information: _____

Important Documents to Consider:

- ⇒ Will
- ⇒ Death Certificate
- ⇒ Funeral Bill
- ⇒ Motor Vehicle Title(s)
- ⇒ House Deed
- ⇒ Property Assessment (Current Value)
- ⇒ Bank Statement(s)
- ⇒ Marriage License/Divorce Decree
- ⇒ Power of Attorney Forms (Ceases to be relevant upon your passing)
- ⇒ Personal/Family Medical History Papers
- ⇒ Life Insurance Policies
- ⇒ Retirement/401k policies/accounts
- ⇒ Pension/Annuity contracts/documents
- ⇒ Stocks/Bonds/Brokerage Accounts
- ⇒ Tax Returns
- ⇒ List of user names and passwords for bank, social media and other important accounts
- ⇒ Letter of Instruction for special burial requests or services

**WHERE THERE'S A WILL,
THERE'S A WAY!**

Belinda K. Conaway ~ Register of Wills for Baltimore City





Low Income Seniors (60+)

Baltimore City Residents ONLY

St. Ambrose Housing Aid Service – 321 East 25th Street, Baltimore, Maryland 21218 – (410) 366-8550

Bar Association – 111 N. Calvert Street (Courthouse East) – Suite #631, Baltimore, MD 21202 – (410) 396-1322

Maryland Volunteer Lawyers Service – www.mvlslaw.org/apply-for-services – (410) 547-6537

GEDCO Senior Services – 5828 York Road, Baltimore, Maryland 21212 – (410) 323-7131

The Probate Process

Probate is the process of proving a will and executing it according to the decedent's wishes. Almost any asset, no matter how small may be subjected to the probate process after your death.



1 The Will of the decedent is found and verified as legal. It must be filed with the probate court in the county where the testator (the person who wrote the will) died.



2 A **Personal Representative** is appointed by the will or the court. Documents like the Petition for Administration are signed and notarized.



3 **Probate bonds** are posted. This acts as insurance that the Personal Representative will fulfill their duties and comply with state laws.



4 **Letters of Administration** from the probate court are received. This gives the Personal Representative official authority to take care of the decedent's estate.



5 Assets are located and protected. All bank accounts, investment portfolios, collectibles, vehicles, real property, and other assets are placed in exclusive control of the Personal Representative.



6 Assets are appraised based on **Date of Death Values** and an inventory is filed with the court. Copies may be required for your state's Department of Revenue.



7 The decedent's creditors are notified. They are given a limited period of time to make a claim against the estate.



8 The decedent's debts are paid off. Appropriate assets are liquidated and all proceeds are placed in the **Estate Account**. Real property that isn't bequeathed to a beneficiary can now be sold.



9 The personal representative must also **file the decedent's personal income tax returns** for the year in which they died. Any taxes due will be paid from the Estate Account.



10 The remaining assets are distributed to beneficiaries according to the will. The Personal Representative usually has to get permission from the probate court first.

Frequently Asked Questions

When does an Estate need to be opened?

An estate is opened if the decedent died owning property in his/her name alone, or as a tenant in common.

How do I obtain a 'Letter of Administration'?

Letters of Administration are issued by the Register of Wills office once you have opened an Estate.

Who can retrieve the Letters of Administration?

The only person able to retrieve this document is the person serving as the Personal Representative of the Estate.

Where do I obtain the value of a decedent's assets?

If the decedent owned a house, you can retrieve its value from the Maryland State Department of Assessment and Taxation website unless the Date of Death is beyond 1997, then it has to be done via an independent assessment. The value of vehicles can be found on the Kelly Blue Book website.

Is Probate necessary in a small estate?

Only if the value of the assets exceed the debts owed.

As the estate Personal Representative, am I responsible for the decedent's debts?

You are only responsible for paying the debts incurred by the decedent's estate, such as any claims made against the estate.

Register of Wills For Baltimore City

DEPARTMENT	PHONE EXT.	ROOM #	CONTACT US
Administration	x1827	344	111 N. Calvert Street Baltimore, MD 21202 Third Floor 410.752.5131 - Office 410.752.3494 - Fax www.registers.maryland.gov
Probate Proceedings	x1822	338	
Auditors	x1821	342	
Delinquent Accounts	x1819	346	
Joint Accounts	x1820	346	
File Room	x1824	350	
Record Room	x1818	352	
Cashier	x1825	345	
Court Clerks	x1823	342	



The Office of the Register of Wills for Baltimore City: A small office with a huge heart!