

CHAPTER 46

(Senate Bill 22)

AN ACT to repeal and re-enact, with amendments, Section 119 of Article 93 of the Annotated Code of Maryland (1951 Edition), title "Testamentary Law", sub-title "Debts" clarifying a reference the notice given to creditors where a sale of a decedent's real estate is decreed for the purpose of partition, making the time of such notice uniform.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 119 of Article 93 of the Annotated Code of Maryland (1951 Edition), title "Testamentary Law", sub-title "Debts", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

119. Whenever any person, resident or non-resident of the State of Maryland, shall have been dead less than twelve (12) years, testate or intestate, leaving one or more parcels of real estate in this State, but not leaving personal estate therein as far as may be known, it shall be lawful for the Orphans' Court of the county or city in which such real estate, or any part or parcel thereof, may be situate, to grant letters testamentary or of administration on the estate of such decedent, and the Court may direct notice to be given by publication to all resident or non-resident creditors of such decedent to file in said Court their claims against said decedent, which notice shall be substantially as provided in Section 118 of this Article, and the provisions of Sections 120 to 124, inclusive, of this Article shall apply. No purchaser of such real estate shall be required to accept title thereto unless such notice has been given as is authorized by this section and until the period for the filing of such claims has expired; and no claim not filed within the period specified by such notice to creditors shall thereafter be asserted against such real estate in the hands of a purchaser for value. The bond required upon the grant of letters shall be in such penalty as the Court may prescribe. In case any such real estate is sold by a Court of Chancery on a bill of sale for the purpose of partition, the said Court may, in its decree for sale, provide for [a] *at least ninety (90) days* notice to creditors [not exceeding ninety days], which notice shall be in lieu of the notice above required, and upon the giving of this notice by the trustee appointed by the Court and upon the expiration of [the] ninety days [provided for by] *after* the notice to creditors aforesaid, the purchaser of such real estate shall be required to accept title thereto, and no claim not filed within the period specified by such notice shall thereafter be asserted against such real estate in the hands of the purchaser at such sale, or his heirs or assigns. This section shall not apply to any real estate where any owner of the same shall have been dead for twelve (12) years or more.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1955.

Approved March 7, 1955.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.