

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 81, § 160, as it required valuation by a court, and the first clause of § 169(c).

Subsection (b) of this section is rephrased to state expressly that which only was implied by the former requirement to "ascertain the amount of tax due and payable hereunder" -- *i.e.*, that the register determines the value of concurrent absolute and less than absolute interests.

In subsection (a)(1) of this section and throughout this subtitle, the defined term "court" and the modifying phrase "with jurisdiction to administer the estate" are substituted for the former, specific references to courts with jurisdiction, for brevity.

In subsection (b) and the introductory language of subsection (a) of this section, respectively, references to "no formal administration" and "formal administration" are added to distinguish cases in which the court, rather than the register, is responsible for valuation. Similarly, in subsection (a)(1) of this section, the reference to a valuation that is not done in "the manner required in §§ 7-209 through 7-211 of this subtitle" is added. A court does not routinely value interests in property. The register, in the capacity of the clerk of the orphans' court, makes routine valuations of concurrent absolute interest and less than absolute interests, where necessary, by using the methods under §§ 7-209 through 7-211 of this subtitle. Therefore, throughout this subtitle, references to the "register" are substituted, where appropriate, for the former references to the "court", for clarity.

In the introductory language of subsection (a)(1) of this section, the former words "before any distribution" are deleted as included in the reference to the power of the court "to administer" an estate.

In the introductory language of subsection (a)(2) of this section, the former phrase "as provided in accordance with said regulations" is deleted as surplusage.

The Tax - General Article Review Committee notes, for consideration by the General Assembly, that neither former Art. 81, § 160 nor the revision in subsection (a) of this section addresses the jurisdictional issue that may arise when a foreign personal representative administers an estate that has property located in Maryland. The General Assembly may wish to close this gap.