

(F) THE AFFIRMATIVE ELECTION REQUIRED UNDER SUBSECTION (E) OF THIS SECTION MUST BE MADE THROUGH A WRITTEN DECLARATION SIGNED BY THE INTERESTED PERSON AND DELIVERED TO THE TRUSTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act neither create a new cause of action nor impair any existing cause of action which, in either case, relates to any power proscribed by § 14-109(a) that was exercised before October 1, 1995.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all trusts existing before, on, or after October 1, 1995 regardless of the effective date of the governing instrument under which the trust was created.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.

CHAPTER 386

(Senate Bill 499)

AN ACT concerning

Estates and Trusts – Escheat – Claim for Refund

FOR the purpose of altering the required degree of relationship of an individual to a decedent whose estate has escheated to the Department of Health and Mental Hygiene or a local board of education in order to entitle the individual to claim a refund of the sum paid to the Department or board; and generally relating to escheats of decedent's estate.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 3-105(b)

Annotated Code of Maryland

(1991 Replacement Volume and 1994 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Estates and Trusts

3-105.

(b) After payment has been made to the Department of Health and Mental Hygiene or to the board of education, if a claim for refund is filed by a relative within the [third] FIFTH degree living at the death of the decedent or by the personal representative of the relative, and the claim is allowed, the claimant shall be entitled to a refund, without interest, of the sum paid.