Section 12–701(a)

Annotated Code of Maryland

(1998 Replacement Volume)

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

Article – Courts and Judicial Proceedings

12–501.

(A)   A party may appeal to the Court of Special Appeals from a final judgment of an orphans' court.

(B)   However, if the final judgment was given or made in a summary proceeding, and on the testimony of witnesses, an appeal is not allowed under this section unless the party desiring to appeal immediately gives notice of his THE PARTY'S intention to appeal and requests that the testimony be reduced to writing.

(C)   In such case the testimony shall be reduced to writing at the cost of the party requesting it.

12–502.

(a)   (1)   (I)   Instead of a direct appeal to the Court of Special Appeals pursuant to § 12–501 of this subtitle, a party may appeal to the circuit court for the county from a final judgment of an orphans' court.

(II)   The appeal shall be heard de novo by the circuit court.

(III)   The de novo appeal shall be treated as if it were a new proceeding and as if there had never been a prior hearing or judgment by the orphans' court.

(IV)   The circuit court shall give judgment according to the equity of the matter.

(2)   This subsection does not apply to Harford County or Montgomery County.

(b)   (1)   An appeal pursuant to this section shall be taken by filing an order for appeal with the register of wills within 30 days after the date of the final judgment from which the appeal is taken.

(2)   Within 30 days thereafter the register of wills shall transmit all pleadings and orders of the proceedings to the court to which the appeal is taken, unless the orphans' court from which the appeal is taken extends the time for transmitting these pleadings and orders.

12–701.

[(a)   (1)   An appeal from a final judgment of a court of law to which issues have been sent from an orphans' court stays all proceedings in the orphans' court concerning the subject of the issues.