

this Act; and generally relating to making technical corrections concerning personal representatives and an elective share of a surviving spouse.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 3-207, 3-208, 5-104(1), and 5-106(a)

Annotated Code of Maryland

(1991 Replacement Volume and 1997 Supplement)

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

Article - Estates and Trusts

3-207.

(a) An election to take an [intestate] ELECTIVE share of an estate of a decedent shall be in writing and signed by the surviving spouse or other person entitled to make the election pursuant to § 3-204, and shall be filed in the court in which the personal representative of the decedent was appointed.

(b) The election may be in this form.

I, A. B., surviving spouse of C. D., late of the County (City) of, renounce all provisions in the will of C. D. and elect to take my [intestate] ELECTIVE share of [his] THE DECEDENT'S estate.

.....
(Signature)

3-208.

(a) (1) Upon the election of the surviving spouse to take [his intestate] THE ELECTIVE share of the property of the decedent, all property or other benefits which would have passed to the surviving spouse under the will shall be treated as if the surviving spouse had died before the execution of the will.

(2) The surviving spouse and a person claiming through [him] THE SURVIVING SPOUSE may not receive property under the will.

(b) (1) If there is an election to take an [intestate] ELECTIVE share, contribution to the payment of it shall be prorated among all legatees.

(2) Instead of contributing an interest in specific property to the [intestate] ELECTIVE share, a legatee may pay the surviving spouse in cash, or other property acceptable to the spouse, an amount equal to the fair market value of the interest in specific property on the date the election to take an [intestate] ELECTIVE share was made by the spouse.

(3) Unless specifically provided in the will, a legatee is not entitled to sequestration or compensation from another legatee, or from another part of the estate of the decedent, except that an interest renounced by the surviving spouse and