



Estate Administration for Personal Representatives Part 2: Filing Responsibilities for Small Estates

The video series, “Estate Administration for Personal Representatives,” and the accompanying tip sheets cover the role of the personal representative, filing requirements while the estate is open, tips on managing the estate, how to prepare an Account, claims against the estate, distributing estate assets, and closing the estate. This tip sheet covers the forms and documents the personal representative will file after a small estate is open. For information on how to open an estate, view the video series “Preparing to Open an Estate” and tip sheet 87, “Opening the Estate.”



Step One: Notice of Publication

- You already filed a form called [Notice of Appointment, Notice to Creditors, and Notice to Unknown Heirs, RW 1109](#). On that form you listed a newspaper.
- The Register of Wills will have a notice published in that paper.
- The notice lets anyone who may have a claim on the estate know about the person’s death.
- The newspaper will mail you a copy of the notice. Give the copy to the Register of Wills.

Step Two: Schedule B

- You already filed a form called Schedule B. That form lists the decedent’s assets and value.
- If you have discovered additional assets or did not know the actual value of an asset when you filed the form, you can file an amended Schedule B. Use [form RW 1137, Schedule B](#).
- Attach proof of all assets to your amended Schedule B. Consider the type of proof carefully.
 - For example, if the asset is a car, you might attach an appraisal from a car dealership, or information from Kelly Blue Book or the National Automobile Dealers Association.
 - If the asset is stock, the proof of value should show the value of the stock on the date of death.
 - If you are unsure of the value of an asset or what to provide, talk to a lawyer.



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Step Three: Information Report

- Within three months of your appointment as personal representative, file an [Information Report using form RW 1124](#).
- The Information Report provides the Register of Wills with information on the decedent's non-probate property.
 - Remember, non-probate property does not go through probate and is not part of the estate. This can include property with a named beneficiary and some real property, meaning land or a home.
- In the Information Report, provide information on:
 - Any property owned jointly with right of survivorship. Right of survivorship means when one owner dies, the other owner or owners will receive that person's share of the property automatically. Do not include property owned jointly with a spouse, child, grandchild, parent, grandparent, sibling, or domestic partner.
 - Any house, land, or leased property located outside of Maryland and owned by the decedent by themselves, or as a tenant in common. When property is owned as tenants in common, when one owner dies, the other owner or owner does not receive that person's share. Instead, it goes through probate.
 - Any property that was owned by the decedent by themselves up until 2 years before their death and that at the time the decedent passed had been gifted or was jointly owned with someone other than a spouse, child, grandchild, parent, grandparent, sibling, or registered domestic partner.
 - Any property the decedent had that passed to anyone other than a spouse, child, grandchild, parent, grandparent, sibling, or registered domestic partner, that was:
 - An annuity or pension.
 - A payable on death or transfer on death account.
 - A life estate.
 - Property with a beneficiary.
 - In a trust.
- The Register of Wills will use the information you provide on non-probate assets to calculate inheritance tax.

What Happens If You Do Not Fulfill Your Responsibilities as Personal Representative: Show Cause and Contempt Hearings

- If you do not file the required documents with the Register of Wills, you will receive a **Show Cause Order**. This comes from the Orphans' Court.
- A Show Cause Order requires you to appear before the court for a hearing. The hearing is called a **show cause hearing**.
- At a show cause hearing, you will be asked to explain to the Court why you have not yet filed the required documents.
- If you file the required documents before the hearing date, the hearing may be canceled. Check with the Register of Wills to find out if the hearing was canceled. If it was not canceled, be sure to attend.

- If you do not file the missing required documents and do not appear in court on the date of the show cause hearing, the court may issue a **Contempt for Removal** and require you to appear for a **contempt hearing**.
- If you do not appear on the date of a contempt hearing, the court may remove you as personal representative. The court may also issue a bench warrant to have the sheriff's office bring you to court or issue other sanctions.

Step Four: Distribute Assets

- After you have met all filing requirements and paid all outstanding debts and claims, you will be able to distribute assets.
- Distribute assets to the people who will inherit according to the decedent's Will.
- If there is no will, distribute the assets to the heirs according to Maryland law. Read the law at [Estate and Trusts Article](#) Sections [3-102](#), [3-103](#), and [3-104](#).