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***Maryland Law of Intestate Distribution***

Annotated Code of Maryland - Estates and Trusts Article

§ 3-101.

Any part of the net estate of a decedent not effectively disposed of by his will shall be distributed by the personal representative to the heirs of the decedent in the order prescribed in this subtitle.

§ 3-102.

(a) The share of a surviving spouse shall be as provided in this section.

(b) If there is a surviving minor child, the share shall be one-half.

(c) If there is no surviving minor child, but there is surviving issue, the share shall be the first \$15,000 plus one-half of the residue.

(d) If there is no surviving issue but a surviving parent, the share shall be the first \$15,000 plus one-half of the residue.

(e) If there is no surviving issue or parent, the share shall be the whole estate.

(f) For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7-308 of the Tax - General Article.

§ 3-103.

The net estate, exclusive of the share of the surviving spouse, or the entire net estate if there is no surviving spouse, shall be divided equally among the surviving issue, by representation as defined in § 1-210.

§ 3-104.

(a) If there is no surviving issue the net estate exclusive of the share of the surviving spouse, or the entire net estate if there is no surviving spouse, shall be distributed by the personal representative pursuant to the provisions of this section.

(b) Subject to §§ 3-111 and 3-112 of this subtitle, it shall be distributed to the surviving parents equally, or if only one parent survives, to the survivor; or if neither parent survives, to the issue of the parents, by representation.

(c) If there is no surviving parent or issue of a parent, it shall be distributed one half to the surviving paternal grandparents equally, or if only one paternal grandparent survives, to the survivor, or if neither paternal grandparent survives, to the issue of the paternal grandparents, by

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### ***Maryland Law of Intestate Distribution – continued***

representation, and one half to the surviving maternal grandparents equally, or if only one maternal grandparent survives, to the survivor, or if neither maternal grandparent survives, to the issue of the maternal grandparents, by representation. In the event that neither of one pair of grandparents and none of the issue of either of that pair survives, the one half share applicable shall be distributed to the other pair of grandparents, the survivor of them or the issue of either of them, in the same manner as prescribed for their half share.

(d) If there is no surviving parent or issue of a parent, or surviving grandparent or issue of a grandparent, it shall be distributed one quarter to each pair of great-grandparents equally or all to the survivor, or if neither survives, all to the issue of either or of both of that pair of great-grandparents, by representation. In the event that neither member of a pair of great-grandparents nor any issue of either of that pair survives, the quarter share applicable shall be distributed equally among the remaining pairs of great-grandparents or the survivor of a pair or issue of either of a pair of great-grandparents, in the same manner as prescribed for a quarter share.

(e) If there is no surviving blood relative entitled to inherit under this section, it shall be divided into as many equal shares as there are stepchildren of the decedent who survive the decedent and stepchildren of the decedent who did not survive the decedent but of whom issue did survive the decedent. Each stepchild of the decedent who did survive the decedent shall receive one share and the issue of each stepchild of the decedent who did not survive the decedent but of whom issue did survive the decedent shall receive one share apportioned by applying the pattern of representation set forth in § 1-210. As used in this subsection, "stepchild" shall mean the child of any spouse of the decedent if such spouse was not divorced from the decedent.

§ 3-105.

(a) (1) The provisions of this subsection are applicable if there is no person entitled to take under §§ 3-102 through 3-104 of this subtitle.

(2) (i) If an individual was a recipient of long-term care benefits under the Maryland Medical Assistance Program at the time of the individual's death, the net estate shall be converted to cash and paid to the Department of Health and Mental Hygiene, and shall be applied for the administration of the program.

(ii) If the provisions of subparagraph (i) of this paragraph are not applicable, the net estate shall be converted to cash and paid to the board of education in the county in which the letters were granted, and shall be applied for the use of the public schools in the county.

(b) (1) 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 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.

(2) A claim for refund under this subsection may not be filed after the later of:

(i) 3 years after the death of the decedent; or

(ii) 1 year after the time of distribution of the property.

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