

Part 3—Property Subject to Article—Real and Personal.

1-301. Devolution of property at death.

All property of a decedent shall be subject to this Article, and upon his death shall pass directly to the personal representative, who shall thereupon hold the legal title thereto, for administration and distribution, without any distinction, preference, or priority as between real and personal property.

SUBTITLE II
THE COURT

Part 1—The Probate Court.

2-101. Generally.

As used in this Article, the word Court means the Orphans' Court in any County, or the court exercising the jurisdiction of the Orphans' Court in any county.

2-102. Powers; right of interested person.

The Court shall have full power to conduct judicial probate, to direct the conduct of personal representatives, and to pass such orders as in its discretion may be required in the course of the administration of a decedent's estate, including the power to summon witnesses. An interested person may at any time petition the Court to resolve questions concerning the estate or its administration. The Court shall not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred by law.

2-103. Enforcement.

The Court has the same legal and equitable powers to effectuate its jurisdiction, punish contempts, and carry out its orders, judgments and decrees as a court of record with general jurisdiction in equity.

2-104. Rules of Court—summons; depositions; discovery.

The Maryland Rules for the summoning of a witness, and for depositions and discovery, shall apply to all actions and proceedings of the Court in the same manner and with like effect as they apply to the law and equity courts of this State.

2-105. Plenary proceeding.

In any controversy in the Court, issues of fact may be determined by the Court or, at the request of any interested person made within such time as may be determined by the Court, by a court of law. Where such request is made before the Court has determined the issue of fact, the Court shall transmit the issues to a court of law. After the determination of the issue, whether by the Court or after transmission to a court of law, the Court shall enter an appropriate judgment or decree. This Section shall not apply where the estate is administered under the jurisdiction of a court having general equity jurisdiction.