

his administration or guardianship, whether or not he be so engaged within or without the continental United States; or

(3) If, when last heard from, he was reported to be in any enemy country or obliged to remain in any other foreign country or possession or dependency of the United States.

(c) *Filing petition.*—Whenever a fiduciary, as herein defined, is engaged in war service as also herein defined, such fiduciary, or any co-fiduciary or his surety or sureties or other person having an interest in the administration of the decedent's or ward's estate, including a creditor or the register of wills, may present a petition to the orphans' court granting the letters of such fiduciary, or to the orphans' court to which application for letters would be made if none have yet been granted, praying for the passage of an order revoking the letters and, where necessary, granting letters to a successor, or praying for an original grant of letters as the case may be. In addition to the name of the fiduciary engaged in war service, the petition shall state the nature of the petitioner's interest in the premises, the approximate value of the estate and the names and addresses of any co-fiduciaries or alternates, so far as known to the petitioner. The petition shall be sworn to by the petitioner and, if filed by a person other than the fiduciary engaged in war service, shall, in addition, be supported by the affidavit of such fiduciary, or by the affidavit of some other competent person certifying to the belief that such fiduciary is engaged in such war service or that since entering such service he has been reported or is believed to be missing.

(d) *Ex parte proceedings.*—The petition may be filed and acted upon by the court ex parte, or before passing thereon the court may require that such persons be made parties to the proceeding and such notice and opportunity to be heard be given them as may appear, in its discretion, necessary to protect the estate and the parties interested therein.

(e) *Jurisdiction and duty of court.*—Upon presentation of the petition the court shall have jurisdiction, and after such hearing thereon, ex parte or otherwise, as the court may require, the court may, notwithstanding any other provision of law, where no letters had theretofore been granted to such fiduciary in war service, grant original letters as if said fiduciary had not been named in the will, or where letters had been previously granted, revoke the letters of the fiduciary engaged in war service, and upon the revocation of letters, if there be no remaining fiduciary, it shall be the duty of the court to appoint a new or substitute fiduciary in accordance with the provisions of this article providing for such appointment upon the revocation of any letters testamentary or of administration or of guardianship.

(f) *Reappointment of removed fiduciary.*—The revocation of letters under the provisions of this section shall be no bar to the reappointment of the fiduciary thus removed if the estate be still current and require further administration after the removed fiduciary shall have been discharged from war service or sufficiently relieved of such service to resume the duties of fiduciary; and such removed fiduciary shall be reinstated and new letters granted him upon such terms and conditions as the court may direct, provided he make application for such reinstatement by appropriate petition with such notice to the acting and incumbent fiduciaries of the trust as the court may