

JURISDICTION/SPECIAL CAUSES OF ACTION.

SUBTITLE 1. ABSENT PERSONS.

SEC. 3-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) ABSENTEE.

"ABSENTEE" MEANS A PERSON WHO HAS DISAPPEARED.

(C) COURT.

"COURT" MEANS A COURT HAVING JURISDICTION UNDER ARTICLE 93A, §105(B).

REVISOR'S NOTE: This section is new language. It reflects the commission's decision to propose for repeal all provisions which deal with receivership for absent persons and substitute the more modern and comprehensive provisions of Art. 93A which deal with protection of property of minors and disabled persons. Art. 93A, §202(b) defines "disabled person" to include a person who has disappeared.

SEC. 3-102. PRESUMPTION OF DEATH.

IF THE DEATH OF A PERSON OR THE DATE OF HIS DEATH IS AT ISSUE, HE IS NOT PRESUMED DEAD IN ANY PROCEEDINGS UNDER THIS SUBTITLE OR UNDER ARTICLE 93A MERELY BECAUSE HE HAS BEEN ABSENT FROM HIS PLACE OF RESIDENCE AND NOT HEARD ABOUT FOR ANY STATED PERIOD OF TIME. THE ISSUE SHALL GO TO THE COURT AS ONE OF FACT TO BE DETERMINED UPON THE EVIDENCE. IF DURING HIS ABSENCE THE PERSON HAS BEEN EXPOSED TO A SPECIFIC PERIL OF DEATH, THIS FACT SHALL BE CONSIDERED BY THE COURT .

REVISOR'S NOTE: This is the substance of Art. 16, §200. The designation of the period "of seven years" is proposed for deletion as unnecessary and confusing. At common law, as opposed to this statute, the unexplained absence of a person from his residence without having been heard from for seven