

TO PERFORM A MATERIAL DUTY PERTAINING TO THE OFFICE, THE COURT MAY CONTINUE THE PERSONAL REPRESENTATIVE IN OFFICE IF IT FINDS THAT CONTINUANCE WOULD BE IN THE BEST INTERESTS OF THE ESTATE AND WOULD NOT ADVERSELY AFFECT THE RIGHTS OF INTERESTED PERSONS OR CREDITORS.

(C) HEARING.

A HEARING SHALL BE CONDUCTED BY THE COURT PRIOR TO THE REMOVAL OF A PERSONAL REPRESENTATIVE. THE HEARING MAY BE HELD ON THE MOTION OF THE COURT, ON MOTION OF THE REGISTER, OR ON WRITTEN PETITION OF AN INTERESTED PERSON. NOTICE OF HEARING SHALL BE GIVEN BY THE REGISTER TO ALL INTERESTED PERSONS. AFTER NOTICE HAS BEEN GIVEN TO THE PERSONAL REPRESENTATIVE, HE MAY EXERCISE ONLY THE POWERS OF A SPECIAL ADMINISTRATOR AS PERMITTED BY §6-403.

(D) APPOINTMENT OF SUCCESSOR.

CONCURRENTLY WITH THE REMOVAL OF A PERSONAL REPRESENTATIVE, THE COURT SHALL APPOINT A SUCCESSOR PERSONAL REPRESENTATIVE OR A SPECIAL ADMINISTRATOR.

(E) DUTY OF REMOVED PERSONAL REPRESENTATIVE.

A PERSONAL REPRESENTATIVE WHO IS REMOVED FROM OFFICE SHALL ACCOUNT FOR AND IMMEDIATELY DELIVER THE PROPERTY BELONGING TO THE ESTATE TO HIS SUCCESSOR OR SPECIAL ADMINISTRATOR.

REVISOR'S NOTE: This section presently appears as Art. 93, §6-306. A subsection is added for organizational purposes. The only other changes are in language and style.

6-307. REQUEST FOR JUDICIAL PROBATE.

(A) GENERAL.

THE APPOINTMENT OF A PERSONAL REPRESENTATIVE WHO HAS BEEN APPOINTED BY ADMINISTRATIVE PROBATE IS TERMINATED BY A TIMELY REQUEST FOR JUDICIAL PROBATE. THE VALIDITY OF AN ACT PERFORMED BY HIM AS PERSONAL REPRESENTATIVE IS NOT AFFECTED BY THIS TERMINATION.

(B) INTERIM POWERS.

SUBJECT TO AN ORDER IN THE PROCEEDING FOR JUDICIAL PROBATE, A PERSONAL REPRESENTATIVE APPOINTED PREVIOUSLY HAS THE POWERS AND DUTIES OF A SPECIAL ADMINISTRATOR UNTIL THE APPOINTMENT OF A PERSONAL REPRESENTATIVE IN THE JUDICIAL PROBATE PROCEEDING.

(C) REAPPOINTMENT.