

## (Y) USE TITLE "EXECUTOR" OR "ADMINISTRATOR."

IF THE DECEDENT DIED TESTATE, HE MAY DESIGNATE HIMSELF ON DOCUMENTS AS AN EXECUTOR, OR IF THE DECEDENT DIED INTTESTATE, AS AN ADMINISTRATOR.

## (Z) MAKE DISTRIBUTION.

HE MAY MAKE PARTIAL AND FINAL DISTRIBUTIONS, IN CASH, IN KIND, OR BOTH, FROM TIME TO TIME DURING THE ADMINISTRATION.

REVISOR'S NOTE: This section presently appears as Art. 93, §7-401. A subsection is added for organizational purposes. It is intended that each of the lettered subsections be considered as a subsection in its entirety. The subsections are rearranged for consistency. The only other changes are in language, style, and consistency.

## 7-402. PERMISSION OF COURT TO ACT.

THE PERSONAL REPRESENTATIVE MAY PETITION THE COURT FOR PERMISSION TO ACT IN ANY MATTER RELATING TO THE ADMINISTRATION OF THE ESTATE. THE COURT MAY PASS ANY ORDER IT CONSIDERS PROPER.

REVISOR'S NOTE: This section presently appears as Art. 93, §7-402. Certain duties specified in §7-402 are proposed for deletion because a personal representative has these powers pursuant to §7-401. The only other changes are in language, style, and consistency.

## 7-403. IMPROPER EXERCISE OF POWER; BREACH OF FIDUCIARY DUTY.

IF THE EXERCISE OF POWER CONCERNING THE ESTATE IS IMPROPER, THE PERSONAL REPRESENTATIVE IS LIABLE FOR BREACH OF HIS FIDUCIARY DUTY TO INTERESTED PERSONS FOR RESULTING DAMAGE OR LOSS TO THE SAME EXTENT AS A TRUSTEE OF AN EXPRESS TRUST. THE EXERCISE OF POWER IN VIOLATION OF A COURT ORDER, OR CONTRARY TO THE PROVISIONS OF THE WILL MAY BE A BREACH OF DUTY. THE RIGHTS OF PURCHASERS AND OTHERS DEALING WITH A PERSONAL REPRESENTATIVE ARE DETERMINED AS PROVIDED IN §7-404 AND ARE NOT NECESSARILY AFFECTED BY THE FACT THAT THE PERSONAL REPRESENTATIVE BREACHED HIS FIDUCIARY DUTY IN THE TRANSACTION.

REVISOR'S NOTE: This section presently appears as Art. 93, §7-403. The only changes are in style.