

(11) ALL OTHER CLAIMS.

(B) PROHIBITION AGAINST PREFERENCE.

A PREFERENCE ~~[[MAY]]~~ SHALL NOT BE GIVEN IN THE PAYMENT OF A CLAIM OVER ANOTHER CLAIM OF THE SAME CLASS. A CLAIM DUE AND PAYABLE IS NOT ENTITLED TO A PREFERENCE OVER CLAIMS NOT YET DUE.

REVISOR'S NOTE: This section presently appears as Art. 93, §8-105. It has been divided into two subsections for organizational purposes. The only other changes are in style.

8-106. FUNERAL EXPENSES.

(A) PAYMENT.

SUBJECT TO THE PRIORITIES CONTAINED IN §8-105, THE PERSONAL REPRESENTATIVE SHALL PAY THE FUNERAL EXPENSES OF THE DECEDENT WITHIN SIX MONTHS OF THE FIRST APPOINTMENT OF A PERSONAL REPRESENTATIVE.

(B) ALLOWANCE.

FUNERAL EXPENSES SHALL BE ALLOWED IN THE DISCRETION OF THE COURT ~~[[AND]]~~ ACCORDING TO THE CONDITION AND CIRCUMSTANCES OF THE DECEDENT. IN NO EVENT MAY THE ALLOWANCE EXCEED \$1,200 UNLESS THE ESTATE OF THE DECEDENT IS SOLVENT AND A SPECIAL ORDER OF COURT HAS BEEN OBTAINED. IF THE ESTATE IS SOLVENT AND THE WILL EXPRESSLY EMPOWERS THE PERSONAL REPRESENTATIVE TO PAY THE EXPENSES WITHOUT AN ORDER OF COURT, AN ALLOWANCE BY THE COURT IS NOT REQUIRED.

(C) PETITION OF CREDITOR.

IF THE FUNERAL EXPENSES ARE NOT PAID WITHIN SIX MONTHS, THE CREDITOR MAY PETITION THE COURT TO REQUIRE THE PERSONAL REPRESENTATIVE TO SHOW CAUSE WHY HE SHOULD NOT BE COMPELLED TO MAKE THE PAYMENT. IF THE COURT FINDS THAT THE CLAIM IS VALID, IT SHALL FIX THE AMOUNT DUE AND SHALL ORDER THE PERSONAL REPRESENTATIVE TO MAKE PAYMENT WITHIN TEN DAYS AFTER THE ORDER IS SERVED UPON HIM. IF THE PERSONAL REPRESENTATIVE DOES NOT HAVE SUFFICIENT FUNDS, THE CLAIMANT MAY AT A LATER DATE RESUBMIT HIS PETITION WHEN THE PERSONAL REPRESENTATIVE HAS SUFFICIENT FUNDS.

REVISOR'S NOTE: This section presently appears as Art. 93, §8-106. It has been broken down into three subsections for organizational purposes. The only other changes are in language and style.