

## 8-108. PAYMENT OF CLAIM.

## (A) AFTER SIX MONTHS.

UPON THE EXPIRATION OF SIX MONTHS FROM THE DATE OF THE FIRST APPOINTMENT OF A PERSONAL REPRESENTATIVE, THE PERSONAL REPRESENTATIVE SHALL PAY THE CLAIMS ALLOWED AGAINST THE ESTATE IN THE ORDER OF PRIORITY PRESCRIBED IN §8-105. THE COURT MAY EXTEND THE SIX MONTH PERIOD FOR GOOD CAUSE SHOWN. A PERSON WITH A VALID UNBARRED CLAIM OR WITH A VALID UNBARRED JUDGMENT WHO HAS NOT BEEN PAID MAY PETITION THE COURT FOR AN ORDER DIRECTING THE PERSONAL REPRESENTATIVE TO PAY THE CLAIM TO THE EXTENT THAT FUNDS OF THE ESTATE ARE AVAILABLE FOR PAYMENT.

## (B) PAYMENT AT ANY TIME.

THE PERSONAL REPRESENTATIVE MAY PAY, AT ANY TIME, A JUST CLAIM WHICH HAS NOT BEEN BARRED, WITH OR WITHOUT FORMAL PRESENTATION, BUT HE IS PERSONALLY LIABLE TO ANOTHER CLAIMANT WHOSE CLAIM IS ALLOWED AND WHO IS INJURED BY THE PAYMENT IF

(1) THE PAYMENT WAS MADE BEFORE THE EXPIRATION OF THE TIME LIMIT STATED IN SUBSECTION (A) OF THIS SECTION AND THE PERSONAL REPRESENTATIVE FAILED TO REQUIRE THE PAYEE TO GIVE ADEQUATE SECURITY TO REFUND ~~[[A]]~~ ANY PART OF THE PAYMENT NECESSARY TO PAY OTHER CLAIMANTS; OR

(2) THE PAYMENT WAS MADE IN A MANNER TO DEPRIVE THE INJURED CLAIMANT OF HIS PRIORITY AS A RESULT OF NEGLIGENCE OR WILFUL FAULT OF THE PERSONAL REPRESENTATIVE.

REVISOR'S NOTE: This section presently appears as Art. 93, §8-108. The only changes are in style and language.

## 8-109. LIABILITY OF PERSONAL REPRESENTATIVE.

## (A) INDIVIDUALLY.

THE INDIVIDUAL LIABILITY OF A PERSONAL REPRESENTATIVE TO THIRD PARTIES ARISING FROM THE ADMINISTRATION OF THE ESTATE IS THAT OF AN AGENT FOR A DISCLOSED PRINCIPAL~~[[. IT IS DISTINGUISHABLE FROM HIS FIDUCIARY ACCOUNTABILITY TO THE ESTATE.]]~~ AS DISTINGUISHED FROM HIS FIDUCIARY ACCOUNTABILITY TO THE ESTATE.

## (B) CONTRACTS MADE DURING ADMINISTRATION.

A PERSONAL REPRESENTATIVE IS NOT INDIVIDUALLY LIABLE