

REVISOR'S NOTE: This section presently appears as Art. 93, §9-105. It is divided into four subsections for organizational purposes. The only other changes are in language and style.

9-106. EFFECT OF DISTRIBUTION.

(A) TITLE OF DISTRIBUTEES.

WITH THE EXCEPTION THAT THE PERSONAL REPRESENTATIVE SHALL RECOVER THE ASSETS OR THEIR VALUE IF THE DISTRIBUTION WAS IMPROPER, TITLE OF THE DISTRIBUTEES WHO RECEIVE FROM THE PERSONAL REPRESENTATIVE AN INSTRUMENT OR DEED OF DISTRIBUTION OF ASSETS IN KIND IS CONCLUSIVE AGAINST ALL PERSONS INTERESTED IN THE ESTATE.

(E) IMPROPER DISTRIBUTION.

UNLESS THE DISTRIBUTION CAN NO LONGER BE QUESTIONED BECAUSE OF ADJUDICATION OR LIMITATIONS, A DISTRIBUTEE OF PROPERTY IMPROPERLY DISTRIBUTED IS LIABLE TO RETURN THE PROPERTY RECEIVED IF HE HAS IT OR ITS VALUE. IF A DISTRIBUTEE HAS DISPOSED OF PROPERTY IMPROPERLY DISTRIBUTED TO HIM HIS LIABILITY IS THE LOWER OF THE VALUE OF THE PROPERTY ON THE DATE OF DISTRIBUTION OR THE VALUE OF THE DATE OF DISPOSITION.

(C) PURCHASERS FROM DISTRIBUTEES PROTECTED.

IF PROPERTY DISTRIBUTED IN KIND IS SOLD TO A PURCHASER FOR VALUE BY A DISTRIBUTEE WHO HAS RECEIVED AN INSTRUMENT OR DEED OF DISTRIBUTION FROM THE PERSONAL REPRESENTATIVE, THE PURCHASER TAKES GOOD TITLE FREE OF CLAIMS OF THE ESTATE AND INCURS NO PERSONAL LIABILITY TO THE ESTATE. TO BE PROTECTED UNDER THIS PROVISION, A PURCHASER NEED NOT INQUIRE WHETHER A PERSONAL REPRESENTATIVE ACTED PROPERLY IN RESPECT TO A DISTRIBUTION IN KIND.

REVISOR'S NOTE: This section presently appears as Art. 93, §9-106. The only changes are in style and language.

9-107. PARTITION FOR PURPOSE OF DISTRIBUTION.

(A) PETITION TO COURT.

WHEN TWO OR MORE HEIRS OR LEGATEES ARE ENTITLED TO DISTRIBUTION OF UNDIVIDED INTERESTS IN PROPERTY OF THE ESTATE, THE PERSONAL REPRESENTATIVE OR ONE OR MORE OF THE HEIRS OR LEGATEES MAY PETITION THE COURT PRIOR TO THE FORMAL OR INFORMAL CLOSING OF THE ESTATE, TO MAKE PARTITION. AFTER NOTICE TO THE INTERESTED HEIRS OR LEGATEES, THE COURT SHALL PARTITION THE PROPERTY IN THE