

REVISOR'S NOTE: This section presently appears as Art. 90, §4. It is divided into two subsections for purposes of clarity. The only other changes are in language and style.

15-111. RESIGNATION OF FIDUCIARY.

THE DISCHARGE OF A FIDUCIARY WHO HAS RESIGNED HIS OFFICE PURSUANT TO THE MARYLAND RULES DOES NOT RELEASE THE FIDUCIARY, OR HIS SURETIES, IF ANY, FROM LIABILITY TO ANY OF THE CESTUI QUE TRUSTENT, OR OTHER PERSONS, FOR ACTS, DEFAULTS, OR OMISSIONS OF DUTY OCCURRING WHILE THE FIDUCIARY WAS IN OFFICE.

REVISOR'S NOTE: This section presently appears as Art. 16, §184. The only changes are in style.

15-112. REMOVAL [[.]] OF FIDUCIARY.

(A) GROUND.

(1) MANDATORY GROUND.

A COURT SHALL REMOVE A FIDUCIARY WHO HAS:

(I) WILLFULLY MISREPRESENTED MATERIAL FACTS LEADING TO HIS APPOINTMENT OR TO OTHER ACTION BY THE COURT IN REFERENCE TO THE FIDUCIARY ESTATE;

(II) WILLFULLY DISREGARDED AN ORDER OF COURT;

(III) SHOWN HIMSELF INCAPABLE, WITH OR WITHOUT FAULT TO PROPERLY PERFORM THE DUTIES OF HIS OFFICE;

(IV) BREACHED HIS DUTY OF GOOD FAITH OR LOYALTY IN THE MANAGEMENT OF PROPERTY OF THE FIDUCIARY ESTATE.

(2) DISCRETIONARY GROUND.

A COURT MAY REMOVE A FIDUCIARY WHO HAS:

(I) NEGLIGENTLY FAILED TO FILE A BOND WITHIN THE TIME REQUIRED BY RULE OR ORDER OF COURT;

(II) NEGLIGENTLY FAILED TO OBEY AN ORDER OF COURT;

(III) FAILED TO PERFORM ANY OF HIS DUTIES AS FIDUCIARY, OR TO COMPETENTLY ADMINISTER THE FIDUCIARY ESTATE.

(B) PROCEDURES.