

LETTERS MAY NOT BE GRANTED TO A PERSON WHO, AT THE TIME A DETERMINATION OF PRIORITY IS MADE, HAS FILED WITH THE REGISTER A DECLARATION IN WRITING THAT HE RENOUNCES HIS RIGHT TO ADMINISTER OR IS:

- (1) UNDER THE AGE OF 18 YEARS;
- (2) MENTALLY INCOMPETENT;
- (3) CONVICTED OF A SERIOUS CRIME;
- (4) NOT A CITIZEN OF THE UNITED STATES;
- (5) A FULL-TIME JUDGE OF A COURT ESTABLISHED UNDER THE LAWS OF MARYLAND OR THE UNITED STATES INCLUDING, A JUDGE OF AN ORPHANS' OR PROBATE COURT, OR A CLERK OF COURT, OR A REGISTER, UNLESS HE IS THE SURVIVING SPOUSE OR IS RELATED TO THE DECEDENT WITHIN THE THIRD DEGREE; OR
- (6) A NONRESIDENT OF THE STATE, UNLESS THERE SHALL BE ON FILE WITH THE REGISTER AN IRREVOCABLE DESIGNATION BY HIM OF AN APPROPRIATE PERSON WHO RESIDES IN THE STATE ON WHOM SERVICE OF PROCESS MAY BE MADE IN THE SAME MANNER AND WITH THE EFFECT AS IF IT WERE SERVED PERSONALLY IN THE STATE ON THE NONRESIDENT.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-104(b). The only changes are in style and language.

5-106. APPOINTMENT.

(A) WITHIN CLASS.

WHEN THERE ARE SEVERAL ELIGIBLE PERSONS IN A CLASS ENTITLED TO LETTERS, THE COURT OR REGISTER MAY GRANT LETTERS TO ONE OF THEM, OR TO MORE THAN ONE OF THEM, AS NECESSARY OF CONVENIENT FOR THE PROPER ADMINISTRATION OF THE ESTATE. HOWEVER, SUBJECT TO §5-105, ALL EXECUTORS NAMED IN THE WILL ARE ENTITLED TO PROBATE.

(B) WITHIN DIFFERENT CLASSES.

WITHIN CLASSES (2) THROUGH (9) OF §5-104, LETTERS MAY BE GRANTED TO TWO OR MORE PERSONS IN DIFFERENT CLASSES PROVIDED THAT THE PERSON OR CLASS FIRST ENTITLED TO LETTERS CONSENTS.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-104(c) and (d). These subsections are drawn as a new section for purposes of separating material. The present numbering