

(E) EFFECT OF PETITION.

IF THE PETITION TO CAVEAT IS FILED BEFORE THE FILING OF A PETITION FOR PROBATE, OR AFTER ADMINISTRATIVE PROBATE, IT HAS THE EFFECT OF A REQUEST FOR JUDICIAL PROBATE. IF FILED AFTER JUDICIAL PROBATE THE MATTER SHALL BE REOPENED AND A NEW PROCEEDING HELD AS IF ONLY ADMINISTRATIVE PROBATE HAD PREVIOUSLY BEEN DETERMINED. IN EITHER CASE THE PROVISIONS OF SUBTITLE 4 OF THIS TITLE APPLY.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-207. The only changes are in style and language.

SUBTITLE 3. ADMINISTRATIVE PROBATE.

5-301. NATURE OF PROCEEDING.

ADMINISTRATIVE PROBATE IS A PROCEEDING INSTITUTED BY THE FILING OF A PETITION FOR PROBATE BY AN INTERESTED PERSON BEFORE THE REGISTER FOR THE PROBATE OF A WILL OR A DETERMINATION OF THE INTESTACY OF THE DECEDENT, AND FOR THE APPOINTMENT OF A PERSONAL REPRESENTATIVE. SUBJECT TO THE PROVISIONS OF §5-402, THE PROCEEDING MAY BE CONDUCTED WITHOUT PRIOR NOTICE, AND IS FINAL, TO THE EXTENT PROVIDED IN §5-304, SUBJECT TO THE RIGHT OF AN INTERESTED PERSON TO REQUIRE JUDICIAL PROBATE AS PROVIDED IN SUBTITLE 4 OF THIS TITLE.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-301. The only changes are in language and style.

5-302. ACTION ON PETITION FOR PROBATE.

UPON A REQUEST FOR ADMINISTRATIVE PROBATE CONTAINED IN A PETITION FOR PROBATE, THE REGISTER MAY ADMIT A WILL TO PROBATE, AND SHALL APPOINT ONE OR MORE PERSONAL REPRESENTATIVES ON THE BASIS OF THE ALLEGATIONS CONTAINED IN THE PETITION. THE REGISTER MAY REQUIRE ADDITIONAL VERIFIED PROOF, AND IT SHALL BE FILED IN THE PROCEEDING.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-302. The only changes are in style and language.

5-303. PROOF OF EXECUTION OF WILL.

THE REGISTER SHALL ASSUME DUE EXECUTION OF THE WILL:

(1) IF THE WILL APPEARS TO HAVE BEEN DULY EXECUTED AND CONTAINS A RECITAL BY ATTESTING WITNESSES OF FACTS CONSTITUTING DUE EXECUTION; OR