

(2) IF IT DOES NOT SO APPEAR, OR IF THE WILL DOES NOT CONTAIN THAT RECITAL, THEN UPON THE VERIFIED STATEMENT OF A PERSON WITH PERSONAL KNOWLEDGE OF THE CIRCUMSTANCES OF EXECUTION WHETHER OR NOT THE PERSON WAS IN FACT AN ATTESTING WITNESS.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-303. The only changes are in style and language.

5-304. FINALITY OF ACTION IN ADMINISTRATIVE PROBATE.

(A) GENERAL.

UNLESS A TIMELY REQUEST FOR JUDICIAL PROBATE HAS BEEN FILED PURSUANT TO SUBSECTION (B) OF THIS SECTION, OR UNLESS A REQUEST HAS BEEN FILED PURSUANT TO §5-402 WITHIN ~~[[FOUR]]~~ SIX MONTHS OF ADMINISTRATIVE PROBATE, ANY ACTION TAKEN AFTER ADMINISTRATIVE PROBATE SHALL BE FINAL AND BINDING AS TO ALL INTERESTED PERSONS. EXCEPT AS PROVIDED IN SUBSECTION (B), A DEFECT IN A PETITION OR PROCEEDING RELATING TO ADMINISTRATIVE PROBATE ~~[[MAY]]~~ SHALL NOT AFFECT THE PROBATE OR THE GRANT OF LETTERS.

(B) EXCEPTIONS.

AN ADMINISTRATIVE PROBATE MAY BE SET ASIDE AND A PROCEEDING FOR JUDICIAL PROBATE INSTITUTED IF, FOLLOWING A REQUEST BY AN INTERESTED PERSON WITHIN 18 MONTHS OF THE DEATH OF DECEDENT, THE COURT FINDS THAT:

(1) THE PROPONENT OF A LATER OFFERED WILL, IN SPITE OF THE EXERCISE OF REASONABLE DILIGENCE IN EFFORTS TO LOCATE ANY WILL, WAS ACTUALLY UNAWARE OF THE EXISTENCE OF A WILL AT THAT TIME OF THE PRIOR PROBATE; ~~[[OR]]~~

(2) THE NOTICE PROVIDED IN §2-209 WAS NOT GIVEN TO SUCH INTERESTED PERSON NOR DID HE HAVE ACTUAL NOTICE OF THE PETITION FOR PROBATE; OR

(3) THERE WAS FRAUD, MATERIAL MISTAKE, OR SUBSTANTIAL IRREGULARITY IN THE PRIOR PROBATE PROCEEDING.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-304. The only changes are in style.

SUBTITLE 4. JUDICIAL PROBATE.

5-401. NATURE OF PROCEEDING.

JUDICIAL PROBATE IS A PROCEEDING INSTITUTED BY THE FILING OF A PETITION FOR PROBATE BY AN INTERESTED PERSON, OR CREDITOR, WITH THE COURT FOR THE PROBATE OF A WILL OR