

A DETERMINATION OF THE INTESTACY OF THE DECEDENT, AND FOR THE APPOINTMENT OF A PERSONAL REPRESENTATIVE. THE PROCEEDING IS CONDUCTED AFTER NOTICE AS PROVIDED IN §5-403, AND IS FINAL EXCEPT AS PROVIDED IN §5-406. IF NO PETITION IS FILED WITHIN A REASONABLE TIME THE REGISTER MAY FILE IT WITH THE APPROVAL OF THE COURT.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-401. The only changes are in language.

5-402. WHEN MANDATORY.

A PROCEEDING FOR JUDICIAL PROBATE SHALL BE INSTITUTED AT ANY TIME BEFORE ADMINISTRATIVE PROBATE OR WITHIN THE PERIOD AFTER ADMINISTRATIVE PROBATE PROVIDED BY §5-304.

(A) AT THE REQUEST OF AN INTERESTED PERSON;

(B) BY A CREDITOR IN THE EVENT THAT THERE HAS BEEN NO ADMINISTRATIVE PROBATE;

(C) IF IT APPEARS TO THE COURT OR THE REGISTER THAT THE PETITION FOR ADMINISTRATIVE PROBATE IS MATERIALLY INCOMPLETE OR INCORRECT IN ANY RESPECT;

(D) IF THE WILL HAS BEEN TORN, MUTILATED, BURNED IN PART, OR MARKED IN A WAY AS TO MAKE A SIGNIFICANT CHANGE IN THE MEANING OF THE WILL;

(E) IF IT IS ALLEGED THAT A WILL IS LOST OR DESTROYED.

REVISOR'S NOTE: This section presently appears as Art. 93, §5-402. No change is made.

5-403. NOTICE OF REQUEST FOR JUDICIAL PROBATE; FORM.

(A) WHEN GIVEN.

NOTICE THAT JUDICIAL PROBATE HAS BEEN REQUESTED SHALL BE GIVEN PROMPTLY BY THE REGISTER TO ALL INTERESTED PERSONS AS SHOWN IN THE DOCUMENTS IN HIS FILE. THE PETITIONER SHALL ADVISE THE REGISTER OF THE NAMES AND ADDRESSES OF ALL INTERESTED PERSONS OF WHOM HE MAY LEARN PRIOR TO THE GRANTING OF JUDICIAL PROBATE, AND THE REGISTER SHALL GIVE NOTICE TO THE PERSONS IN THE MANNER PRESCRIBED BY THE FIRST SENTENCE OF §1-103. IN ADDITION, THE REGISTER SHALL PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE JUDICIAL PROBATE IS REQUESTED, ONCE A WEEK FOR TWO SUCCESSIVE WEEKS.

(B) FORM OF NOTICE.