

Because the definitions set forth in FI § 11-401 are intended to be virtually identical to those contained in this section, if any amendment is proposed for a definition in this section, a corresponding amendment to FI § 11-401 should be considered.

Article - Estates and Trusts

5-105.

(A) IN GENERAL.

SUBJECT TO § 5-104 OF THIS SUBTITLE, THE REGISTER OR COURT MAY GRANT LETTERS TO:

- (1) A TRUST COMPANY;
- (2) ANY OTHER CORPORATION AUTHORIZED BY LAW TO BE A PERSONAL REPRESENTATIVE; OR
- (3) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ANY INDIVIDUAL.

(B) PERSONS EXCLUDED.

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.

SUPPLEMENTAL REVISOR'S NOTE: Ch. \_\_\_\_\_, Acts of 1980, which enacted the Financial Institutions Article, amended this section to renumber it as subsection