

CHAPTER 106

(Senate Bill 45)

AN ACT concerning

Estates - Personal Representatives - Nomination by Power Conferred in Will

FOR the purpose of adding personal representatives who have been nominated in accordance with a power conferred in a will that has been admitted to probate to a listing by priority of persons who may be granted letters in administrative or judicial probate or appointed as successor personal representatives or special administrators; establishing that personal representatives who have been nominated in accordance with a power conferred in a will that has been admitted to probate are entitled to probate; making a technical correction; and generally relating to estates and the nomination of personal representatives.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 5-104 and 5-106

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Estates and Trusts

5-104.

In granting letters in administrative or judicial probate, or in appointing a successor personal representative, or a special administrator as provided in Subtitle 4 of Title 6, the court and register shall observe the following order of priority, with any person in any one of the following paragraphs considered as a class:

(1) The personal representatives named in a will admitted to probate;

(2) THE PERSONAL REPRESENTATIVES NOMINATED IN ACCORDANCE WITH A POWER CONFERRED IN A WILL ADMITTED TO PROBATE;

[(2)] (3) The surviving spouse and children of an intestate decedent, or the surviving spouse of a testate decedent;

[(3)] (4) The residuary legatees;

[(4)] (5) The children of a testate decedent who are entitled to share in the estate;

[(5)] (6) The grandchildren of the decedent who are entitled to share in the estate;