

(3) Similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney in fact or agent is exercisable by him notwithstanding the later disability of the principal or uncertainty whether the principal is dead or alive.

(b) Any act done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive has the same effect and inures to the benefit of and binds the principal as if the principal were alive, competent, and not disabled.

(c) If a guardian is appointed for the principal, the attorney in fact or agent shall account to the guardian rather than the principal. The guardian has the same power the principal would have but for his disability or incompetence to revoke, suspend, or terminate all or any part of the power of attorney or agency.

(D) (1) THIS SECTION DOES NOT APPLY TO AN INSTRUMENT OR PORTION OF AN INSTRUMENT THAT IS AN ADVANCE DIRECTIVE APPOINTING A HEALTH CARE AGENT UNDER TITLE 5, SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE.

(2) AN INSTRUMENT OR PORTION OF AN INSTRUMENT THAT IS AN ADVANCE DIRECTIVE APPOINTING A HEALTH CARE AGENT IS SUBJECT TO THE PROVISIONS OF TITLE 5, SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE.

13-707. Persons entitled to appointment.

(a) Persons are entitled to appointment as guardian of the person according to the following priorities:

(1) A person, agency, or corporation nominated by the disabled person if he was 16 years old or older when he signed the designation and, in the opinion of the court, he had sufficient mental capacity to make an intelligent choice at the time he executed the designation;

(2) A HEALTH CARE AGENT APPOINTED BY THE DISABLED PERSON IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 OF THE HEALTH - GENERAL ARTICLE;

[(2)](3) His spouse;

[(3)](4) His parents;

[(4)](5) A person, agency, or corporation nominated by the will of a deceased parent;

[(5)](6) His children;

[(6)](7) Adult persons who would be his heirs if he were dead;

[(7)](8) A person, agency, or corporation nominated by a person caring for him;

[(8)](9) Any other person, agency, or corporation considered appropriate by the court;