

personal representative shall have the powers of a special administrator during such appeals.

Senate Bill 368, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 239.

Sincerely,  
Robert L. Ehrlich, Jr.  
Governor

### House Bill No. 239

AN ACT concerning

#### **Appeals - Removal of Personal Representative - Successor Personal Representative or Special Administrator**

FOR the purpose of providing that an appeal from a final order of an orphans' court or a circuit court removing a personal representative does not stay an order appointing a successor personal representative or special administrator; providing that a successor personal representative shall have the powers of a special administrator during certain appeals; providing for the application of this Act; and generally relating to the powers of successor personal representatives and special administrators during appeals from certain orders removing a personal representative.

BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 12-701(a)  
Annotated Code of Maryland  
(2002 Replacement Volume)

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

#### **Article - Courts and Judicial Proceedings**

12-701.

(a) (1) An appeal from an orphans' court or a circuit court stays all proceedings in the orphans' court concerning the issue appealed.

(2) An appeal from an orphans' court or a circuit court does not stay any proceedings in the orphans' court that do not concern the issue appealed, if the orphans' court can provide for conforming to the decision of the appellate court.

(3) (I) AN APPEAL FROM A FINAL ORDER OF AN ORPHANS' COURT OR A CIRCUIT COURT REMOVING A PERSONAL REPRESENTATIVE DOES NOT STAY AN ORDER APPOINTING A SUCCESSOR PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR.