

Article - Estates and Trusts

Section 5-105

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)

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

Article - Estates and Trusts

5-105.

(a) 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) 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 the person renounces the 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 unless the person [is the spouse of the decedent and] is a permanent resident of the United States AND IS:

(I) THE SPOUSE OF THE DECEDENT;

(II) AN ANCESTOR OF THE DECEDENT; ~~OR~~

(III) A DESCENDANT OF THE DECEDENT; OR

(IV) A SIBLING OF THE DECEDENT;

(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 the person 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 the nonresident 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.