Article - Estates and Trusts

[Previous][Next]

§15–112.

(a) (1) A court shall remove a fiduciary who has:

(i) Willfully misrepresented material facts leading to his appointment or to other action by the court in reference to the fiduciary estate;

(ii) Willfully disregarded an order of court;

(iii) Shown himself incapable, with or without fault to properly perform the duties of his office; or

(iv) Breached his duty of good faith or loyalty in the management of property of the fiduciary estate.

(2) A court may remove a fiduciary who has:

(i) Negligently failed to file a bond within the time required by rule or order of court;

(ii) Negligently failed to obey an order of court; or

(iii) Failed to perform any of his duties as fiduciary, or to competently administer the fiduciary estate.

(b) Procedures for the removal of a fiduciary shall be conducted by the court in accordance with the provisions of the Maryland Rules applying to a fiduciary.

(c) The provisions of this section shall not apply to personal representatives.

[Previous][Next]