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**By: Delegate Finifter**

Introduced and read first time: March 3, 1997

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts - Appointment of Personal Representatives**

3 FOR the purpose of establishing that certain individuals are entitled to probate;  
4 authorizing the court and register of wills to grant letters to certain persons under  
5 certain circumstances; providing for the application of this Act; and generally  
6 relating to appointment of a personal representative.

7 BY repealing

8 Article - Estates and Trusts  
9 Section 5-106  
10 Annotated Code of Maryland  
11 (1991 Replacement Volume and 1996 Supplement)

12 BY adding to

13 Article - Estates and Trusts  
14 Section 5-106  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1996 Supplement)

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

19 **Article - Estates and Trusts**

20 [5-106.

21 (a) When there are several eligible persons in a class entitled to letters, the court  
22 or register may grant letters to one of them, or to more than one of them, as necessary or  
23 convenient for the proper administration of the estate. However, subject to § 5-105, all  
24 executors named in the will are entitled to probate.

25 (b) Within classes (2) through (9) of § 5-104, letters may be granted to two or  
26 more persons in different classes provided that the person or class first entitled to letters  
27 consents.]

2

1 5-106.

2 (A) SUBJECT TO § 5-105 OF THIS SUBTITLE, ALL EXECUTORS NAMED IN THE  
3 WILL ARE ENTITLED TO PROBATE.

4 (B) (1) WHEN THERE ARE SEVERAL ELIGIBLE PERSONS IN A CLASS  
5 ENTITLED TO LETTERS, THE COURT OR REGISTER MAY GRANT LETTERS TO ONE OF  
6 THEM, OR TO MORE THAN ONE OF THEM, AS NECESSARY OR CONVENIENT FOR THE  
7 PROPER ADMINISTRATION OF THE ESTATE.

8 (2) WITHIN CLASSES (2) THROUGH (9) OF § 5-104 OF THIS SUBTITLE,  
9 LETTERS MAY BE GRANTED TO TWO OR MORE PERSONS IN DIFFERENT CLASSES  
10 PROVIDED THAT THE PERSON OR CLASS FIRST ENTITLED TO LETTERS CONSENTS.

11 (3) IN GRANTING LETTERS TO PERSONS ENTITLED TO APPOINTMENT  
12 UNDER SUBSECTIONS (2) THROUGH (11) OF § 5-104 OF THIS SUBTITLE, FOR GOOD  
13 CAUSE, THE COURT MAY PASS OVER A PERSON OR PERSONS WITH PRIORITY OR  
14 EQUAL PRIORITY IN FAVOR OF A PERSON OR PERSONS WITH EQUAL PRIORITY,  
15 LESSER PRIORITY, OR NO PRIORITY.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
17 only prospectively and may not be applied or interpreted to apply to a death of a  
18 decedent that occurs before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1997.