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By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Appeals - Removal of Personal Representative - Successor Personal**  
3 **Representative or Special Administrator**

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

12 BY repealing and reenacting, with amendments,  
13 Article - Courts and Judicial Proceedings  
14 Section 12-701(a)  
15 Annotated Code of Maryland  
16 (2002 Replacement Volume)

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

19 **Article - Courts and Judicial Proceedings**

20 12-701.

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

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

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

8                    (II)     IF AN APPEAL IS FILED FROM THE FINAL ORDER OF AN  
9 ORPHANS' COURT OR A CIRCUIT COURT REMOVING A PERSONAL REPRESENTATIVE  
10 AND THE COURT APPOINTED A SUCCESSOR PERSONAL REPRESENTATIVE, THE  
11 SUCCESSOR PERSONAL REPRESENTATIVE SHALL HAVE THE POWERS OF A SPECIAL  
12 ADMINISTRATOR.

13     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
14 construed to apply only prospectively and may not be applied or interpreted to have  
15 any effect on or application to any appeal filed before the effective date of this Act.

16     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2003.