

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 368

(Senator Giannetti)

Judicial Proceedings

Judiciary

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

This bill provides that an appeal from a final order of an orphans' court or circuit court removing a personal representative of an estate does not stay an order appointing a successor personal representative or special administrator. It also grants the successor personal representative the powers of a special administrator during an appeal from a final order removing a personal representative.

Fiscal Summary

State Effect: The bill is procedural in nature and would not directly affect governmental finances.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: An appeal from an orphans' court or circuit court stays those proceedings that concern the issue being appealed. Appeals from final orders by a court removing a personal representative would fall under this rule. A special administrator may be appointed by a court when there is no personal representative serving, and has the power to collect, manage, and preserve property. The appointment is generally of limited duration.

Additional Information

Prior Introductions: None.

Cross File: HB 239 (Delegates Simmons and Vallario) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2003
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