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By: **Senators Gladden and Giannetti**  
Introduced and read first time: February 6, 2004  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Estates - 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  
5 under certain circumstances; providing for the application of this Act; and  
6 generally 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 (2001 Replacement Volume and 2003 Supplement)

12 BY adding to  
13 Article - Estates and Trusts  
14 Section 5-106  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2003 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  
22 court or register may grant letters to one of them, or to more than one of them, as  
23 necessary or convenient for the proper administration of the estate. However, subject  
24 to § 5-105 of this subtitle, all personal representatives named in the will are entitled  
25 to probate.

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

1 5-106.

2 (A) SUBJECT TO § 5-105 OF THIS SUBTITLE, ALL PERSONAL REPRESENTATIVES  
3 NAMED IN THE 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 § 5-104 (2) THROUGH (11) OF THIS SUBTITLE, FOR GOOD CAUSE, THE COURT  
13 MAY PASS OVER A PERSON OR PERSONS WITH PRIORITY OR EQUAL PRIORITY IN  
14 FAVOR OF A PERSON OR PERSONS WITH EQUAL PRIORITY, LESSER PRIORITY, OR NO  
15 PRIORITY.

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect October 1, 2004.