

Art. 93, § 6-101 ANNOTATED CODE OF MARYLAND

466; 1955, ch. 283; 1959, ch. 297; 1966, ch. 405; 1967, ch. 585; 1968, ch. 327; 1969, ch. 3, § 1.)

COMMENT

This Section preserves the provisions of former §§ 260 and 261. Although the limit for "small estates" was increased from \$1,000 to \$2,000, these Sections were retained because of their simplicity and usefulness under the special circumstances of their applicability. A provision of the prior law enabling the personal representative to obtain a refund of license fees for the unused portion of the year was repealed. The administrative costs to the State exceeded the amounts of the refunds.

SUBTITLE VI

THE PERSONAL REPRESENTATIVE

Part 1

Appointment and Issuance of Letters: Accrual of Duties and Powers

§ 6-101. Conditions of appointment.

As a condition to his appointment, a personal representative shall file (a) a statement of acceptance of the duties of the office, (b) any required bond, and (c) a written consent to personal jurisdiction in any action brought in this State against him as personal representative or arising out of his duties as such, where service of process is effected pursuant to the Maryland Rules at his address shown in the proceedings. (1969, ch. 3, § 1.)

Cross reference.—As to application of this subtitle, see § 12-102 of this article.

COMMENT

This Section follows the prior practice in Maryland except that it eliminates the necessity for the designation of an agent to receive service of process for a nonresident personal representative.

The Commission was of the opinion that there should be no need for the oath required of the personal representative upon his qualification in former § 45 and § 56 in view of the provisions of Section

7-403 which subject the personal representative to personal liability for any breach of his fiduciary duties. See former §§ 47 and 57. This Section is consistent with § 59 of Article 11. See also Sections 5-302 and 5-404 for the procedures for the appointment of the personal representative by the Register (administrative probate) or the Court (judicial probate).

§ 6-102. Bond.

(a) *When required.* — Every personal representative shall execute a bond to the State of Maryland for the benefit of all interested persons and creditors with a surety or sureties approved by the register, unless such bond is expressly excused by the decedent's will or by the written waiver of all interested persons. Although a bond may not be required as a condition of the appointment of a personal representative, the court may require such bond at any time during the administration upon the petition of an interested person or creditor and for good cause shown. Whenever a personal representative is excused from giving bond, a bond shall never-