Junge Munay Band St 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 4 91A-3-203+ R.C.M. 1947. TO PROVIDE FOR COURT APPOINTMENT OF 5 ANY QUALIFIED PERSON AS PERSONAL REPRESENTATIVE OF A 6 DECEDENT'S ESTATE WHEN TWO OR MORE PERSONS HAVING PRIORITY 7 OF APPOINTMENT CANNOT AGREE IN NOMINATING ANOTHER TO ACT FOR 8 THEM OR IN APPLYING FOR APPOINTMENT." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 91A-3-203, R.C.M. 1947, is amended 12 13 to read as follows: "91A-3-203. Priority among persons seeking appointment 14 as personal representative. (1) Whether the proceedings are 15 formal or informal, persons who are not disqualified have 16

17 priority for appointment in the following order: 18 (a) the person with priority as determined by a 19 probated will including a person nominated by a power 20 conferred in a will;

(b) the surviving spouse of the decedent who is a
devisee of the decedent;

23 (c) other devisees of the decedent;

24 (d) the surviving spouse of the decedent;

25 (e) other heirs of the decedent;

INTRODUCED BILL

1 (f) public administrator;

2 (g) forty-five (45) days after the death of the
 3 decedent, any creditor.

4 (2) An objection to an appointment can be made only in 5 formal proceedings. In case of objection the priorities 6 stated in (1) apply except that

7 (a) if the estate appears to be more than adequate to
8 meet exemptions and costs of administration but inadequate
9 to discharge anticipated unsecured claims, the court, on
10 petition of creditors, may appoint any qualified person;

11 (b) in case of objection to appointment of a person 12 other than one whose priority is determined by will by an 13 heir or devisee appearing to have a substantial interest in 14 the estate, the court may appoint a person who is acceptable 15 to heirs and devisees whose interests in the estate appear 16 to be worth in total more than half of the probable 17 distributable value, or, in default of this accord any suitable person. 18

19 (3) A person entitled to letters under (b) through (e) 20 of (1) above, may nominate a qualified person to act as 21 personal representative. Any person entitled to letters may 22 renounce his right to nominate or to an appointment by 23 appropriate writing filed with the court. When two (2) or 24 more persons share a priority, those of them who do not 25 renounce must concur in nominating another to act for them,

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12 (5) Appointment of one who does not have priority. 13 including priority resulting from renunciation or nomination 14 determined pursuant to this section, may be made only in 15 formal proceedings. Before appointing one without priority, 16 the court must determine that those having priority, 17 although given notice of the proceedings, have failed to 18 request appointment or to nominate another for appointment, and that administration is necessary. 19

20 (6) No person is qualified to serve as a personal
21 representative who is:

22 (a) under the age of eighteen (18);

23 (b) a person whom the court finds unsuitable in formal24 proceedings.

25 (7)

(7) A personal representative appointed by a court of

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the decedent's domicile has priority over all other persons except where the decedent's will nominates different persons to be personal representative in this state and in the state of domicile. The domiciliary personal representative may nominate another, who shall have the same priority as the domiciliary personal representative.

8 successor personal representative but does not apply to the

9 selection of a special administrator."

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Senate BILL NO. 397 Turnog Munay Raub Sa L INTRODUCED BY 2 з A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION. 4 91A-3-203, R.C.M. 1947, TO PROVIDE FOR COURT APPOINTMENT OF 5 ANY QUALIFIED PERSON AS PERSONAL REPRESENTATIVE OF A 6 DECEDENT'S ESTATE WHEN TWO OR MORE PERSONS HAVING PRIORITY 7 OF APPOINTMENT CANNOT AGREE IN NONINATING ANOTHER TO ACT FOR 8 THEM OR IN APPLYING FOR APPOINTMENT." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 91A-3-203, R.C.M. 1947, is amended 12 to read as follows: 13 *91A-3-203. Priority among persons seeking appointment 14 as personal representative. (1) Whether the proceedings are 15 formal or informal, persons who are not disqualified have 16 priority for appointment in the following order: 17 (a) the person with priority as determined by a 18 probated will including a person nominated by a power 19 conferred in a will; 20 (b) the surviving spouse of the decedent who is a 21 22 devisee of the decedent; 23 (c) other devisees of the decedent; (d) the surviving spouse of the decedent; 24 (e) other heirs of the decedent; 25

INTRODUCED BILL

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1 or in applying for appointment. If they are unable to concur 2 in nominating another to act for them or in applying for 3 appointment, the court may appoint any qualified person. 4 (4) Conservators of the estates of protected persons, 5 or if there is no conservator, any quardian except a 6 guardian ad litem of a minor or incapacitated person, may 7 exercise the same right to nominate, to object to another's 8 appointment, or to participate in determining the preference 9 of a majority in interest of the heirs and devisees that the

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(5) Appointment of one who does not have priority. 12 13 including priority resulting from renunciation or nomination 14 determined pursuant to this section, may be made only in 15 formal proceedings. Before appointing one without priority, 16 the court must determine that those having priority, 17 although given notice of the proceedings, have failed to 18 request appointment or to nominate another for appointment, 19 and that administration is necessary.

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25 (7) A personal representative appointed by a court of

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9 selection of a special administrator."

-End-

LC 1325/01

45th Legislature

LC 1325/01

Approved by Committee on Judiciary nate BILL NO. 397 1 una munay Returb INTRODUCED BY z 3 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 4 91A-3-203. R.C.N. 1947. TO PROVIDE FOR COURT APPOINTMENT OF 5 ANY QUALIFIED PERSON AS PERSONAL REPRESENTATIVE OF . . 6 DECEDENT'S ESTATE WHEN TWO OR MORE PERSONS HAVING PRIORITY 7 OF APPOINTMENT CANNOT AGREE IN NOMINATING ANOTHER TO ACT FOR 8 THEM OR IN APPLYING FOR APPOINTMENT." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 91A-3-203, R.C.M. 1947, is amended 12 13 to read as follows: #91A-3-203. Priority among persons seeking appointment 14 15 as personal representative. (1) Whether the proceedings are 16 formal or informal, persons who are not disqualified have 17 priority for appointment in the following order: (a) the person with priority as determined by a 18 probated will including a person nominated by a power 19 20 conferred in a will; (b) the surviving spouse of the decedent who is a 21

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SECOND READING

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or in applying for appointment. If they are unable to concur 1 z in dominating another to act for them or in applying, for 3 appointments the court may appoint any dualified person. 4 (4) Conservators of the estates of protected persons, 5 or if there is no conservator, any quardian except a 6 quardian ad litem of a minor or incapacitated person, may 7 exercise the same right to nominate, to object to another's 8 appointment, or to participate in determining the preference 9 of a majority in interest of the heirs and devisees that the 10 protected person or wards would have if qualified for 11 appointment.

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LC 1325/01

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-End-

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	55N175 NT14 NO 202	1	(f) public administrator;
1	SENATE BILL NO. 397	2	(g) forty-five (45) days after the death of the
ĉ	INTRODUCED BY TURNAGE, MURRAY, ROBERTS, TUWE	3	
ذ			decedent, any creditor.
4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION	4	(2) An objection to an appointment can be made only in
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10		10	petition of creditors, may appoint any qualified person;
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14	"91A-3-203• Priority among persons seeking appointment	14	the estate, the court may appoint a person who is acceptable
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16	formal or informal, persons who are not disqualified have	16	to be worth in total more than half of the probable
17	priority for appointment in the following order:	17	distributable value, or, in default of this accord any
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24	(d) the surviving spouse of the decedent;	24	more persons share a priority, those of them who do not
25	(e) other heirs of the decedent;	25	renounce must concur in nominating another to act for them,
			-2 SB 397

REFERENCE BILL

SB 0397/02

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-End-

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