

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 665 Session of
2005INTRODUCED BY PILEGGI, ERICKSON, RAFFERTY, EARLL, COSTA,
M. WHITE, O'PAKE, THOMPSON AND WOZNIAK, MAY 10, 2005SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,
OCTOBER 18, 2005

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 grant of ~~limited~~ letters of administration and for the
4 administration of estates. <—

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Sections 3153 and 3155 of Title 20 of the~~ <—
8 ~~Pennsylvania Consolidated Statutes are amended to read:~~

9 ~~§ 3153. Contents of petition.~~

10 ~~(a) General rule. A petition for the grant of letters~~
11 ~~testamentary or of administration shall state, under oath, so~~
12 ~~far as they are known:~~

13 ~~(1) The decedent's name, age, state or country of~~
14 ~~domicile, his last family or principal residence, and the~~
15 ~~place and day of his death.~~

16 ~~(2) If the decedent died intestate, the name and~~
17 ~~residence address of the surviving spouse, if any, and the~~
18 ~~names, relationships and residence addresses of other heirs.~~

1 ~~(3) If the decedent died testate, whether the will was~~
2 ~~modified by the occurrence of any of the circumstances~~
3 ~~delineated in section 2507 (relating to modification by~~
4 ~~circumstances).~~

5 ~~(4) If the decedent was domiciled in the Commonwealth at~~
6 ~~the time of his death, the estimated value of all his~~
7 ~~personal property, and the estimated value and the location~~
8 ~~of his real property situated in the Commonwealth.~~

9 ~~(5) If the decedent was not domiciled in the~~
10 ~~Commonwealth at the time of his death, the estimated value of~~
11 ~~his personal property in the Commonwealth, the estimated~~
12 ~~value of his personal property in the county in which the~~
13 ~~petition is filed, and the estimated value and location of~~
14 ~~his real property in the Commonwealth.~~

15 ~~(6) The name and residence address of each person to~~
16 ~~whom letters are requested to be granted.~~

17 ~~(7) Any other facts necessary to entitle the petitioner~~
18 ~~to letters.~~

19 ~~(b) Limited letters of administration. A petition for~~
20 ~~limited letters of administration as provided in section 3155.1~~
21 ~~(relating to limited letters of administration) shall not be~~
22 ~~required to state estimated values as required under subsection~~
23 ~~(a)(4) and (5). The petition shall contain the estimated value~~
24 ~~and the location of the real property to be administered as well~~
25 ~~as the estimated value of all personal property located in or on~~
26 ~~the real property described by the petition.~~

27 ~~§ 3155. Persons entitled.~~

28 ~~(a) Letters testamentary. Letters testamentary shall be~~
29 ~~granted by the register to the executor designated in the will,~~
30 ~~whether or not he has declined a trust under the will.~~

~~(b) Letters of administration. Letters of administration shall be granted by the register, in such form as the case shall require, to one or more of those hereinafter mentioned and, except for good cause, in the following order:~~

~~(1) Those entitled to the residuary estate under the will.~~

~~(2) The surviving spouse.~~

~~(3) Those entitled under the intestate law as the register, in his discretion, shall judge will best administer the estate, giving preference, however, according to the sizes of the shares of those in this class.~~

~~(4) The principal creditors of the decedent at the time of his death.~~

~~(5) Other fit persons.~~

~~(6) If anyone of the foregoing shall renounce his right to letters of administration, the register, in his discretion, may appoint a nominee of the person so renouncing in preference to the persons set forth in any succeeding paragraph.~~

~~(7) A guardianship support agency serving as guardian of an incapacitated person who dies during the guardianship administered pursuant to Subchapter F of Chapter 55 (relating to guardianship support).~~

~~(8) A redevelopment authority formed pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.~~

~~(c) Time limitation. Except with the consent of those enumerated in paragraphs (1), (2) and (3), no letters shall be issued to those enumerated in paragraphs (4) [and (5)], (5) or (8) of subsection (b) until seven days after the decedent's~~

1 death.

2 ~~(d) Death charges. Notwithstanding the provisions of~~
3 ~~subsections (a) and (b), the register shall not grant letters~~
4 ~~testamentary or letters of administration to any person charged,~~
5 ~~whether by indictment, information or otherwise, by the United~~
6 ~~States, the Commonwealth or any of the several states, with~~
7 ~~voluntary manslaughter or homicide, except homicide by vehicle,~~
8 ~~in connection with a decedent's death unless and until the~~
9 ~~charge is withdrawn, dismissed or a verdict of not guilty is~~
10 ~~returned.~~

11 ~~Section 2. Title 20 is amended by adding a section to read:~~
12 ~~§ 3155.1. Limited letters of administration.~~

13 ~~(a) Limited letters. A redevelopment authority shall be~~
14 ~~entitled to seek limited letters of administration for the~~
15 ~~purpose of administering a portion of an estate consisting of~~
16 ~~only the assets described in subsection (b).~~

17 ~~(b) Limited estate. A limited estate shall include only~~
18 ~~real property and any fixtures or personal property remaining in~~
19 ~~or on the real property and which is described in the petition~~
20 ~~for limited letters of administration under section 3153(b)~~
21 ~~(relating to contents of petition).~~

22 ~~(c) Administration of remaining estate. Upon completion of~~
23 ~~the administration of the limited estate, the register may grant~~
24 ~~letters of administration D.B.N., as provided in section 3159(b)~~
25 ~~(relating to letters of administration D.B.N. or D.B.N.C.T.A.),~~
26 ~~to the persons otherwise entitled thereto for the purpose of~~
27 ~~administering the decedent's assets not subject to the limited~~
28 ~~administration.~~

29 ~~Section 3. Sections 3156, 3159, 3162, 3184, 3301, 3305,~~
30 ~~3311, 3326 and 3384 of Title 20 are amended to read:~~

1 ~~§ 3156. Persons not qualified.~~

2 ~~(a) General rule. No person shall be qualified to serve as~~
3 ~~a personal representative who is:~~

4 ~~(1) Under 18 years of age.~~

5 ~~(2) A corporation not authorized to act as fiduciary in~~
6 ~~the Commonwealth.~~

7 ~~(3) A person, other than an executor designated by name~~
8 ~~or description in the will, found by the register to be unfit~~
9 ~~to be entrusted with the administration of the estate.~~

10 ~~(4) The nominee of any beneficiary, legatee or person~~
11 ~~having any interest whatsoever, when such beneficiary,~~
12 ~~legatee or person is a citizen or resident of any country~~
13 ~~outside the territorial limits or possessions of the United~~
14 ~~States, when it shall appear doubtful to the register that in~~
15 ~~the distribution of the estate any such person will have the~~
16 ~~actual benefit, use, enjoyment or control of the money or~~
17 ~~other property representing his share or interest therein.~~

18 ~~(5) Charged, whether by indictment, information or~~
19 ~~otherwise, by the United States, the Commonwealth or any of~~
20 ~~the several states, with voluntary manslaughter or homicide,~~
21 ~~except homicide by vehicle, in connection with a decedent's~~
22 ~~death unless and until the charge is withdrawn, dismissed or~~
23 ~~a verdict of not guilty is returned.~~

24 ~~(b) Exception. A redevelopment authority shall be qualified~~
25 ~~to serve as a personal representative pursuant to limited~~
26 ~~letters of administration.~~

27 ~~§ 3159. Letters of administration D.B.N. or D.B.N.C.T.A.~~

28 ~~(a) General rule. When an entire vacancy occurs in the~~
29 ~~office of personal representative before administration is~~
30 ~~completed, the register, in a case of intestacy, shall grant~~

1 ~~letters of administration de bonis non, and in the case of~~
2 ~~testacy, letters de bonis non cum testamento annexo, to the~~
3 ~~person or persons entitled thereto.~~

4 ~~(b) Exception. When a vacancy occurs in the office of~~
5 ~~personal representative as a result of the completion of~~
6 ~~administration pursuant to limited letters of administration,~~
7 ~~but while the entire estate has not been administered, the~~
8 ~~register shall grant letters of administration de bonis non to~~
9 ~~the person or persons entitled thereto. Letters of~~
10 ~~administration de bonis non granted under this subsection shall~~
11 ~~only entitle the person or persons to administer that portion of~~
12 ~~an estate that remains after completion of administration~~
13 ~~pursuant to limited letters of administration.~~

14 ~~§ 3162. Advertisement of grant of letters.~~

15 ~~(a) General rule. The personal representative, immediately~~
16 ~~after the grant of letters, shall cause notice thereof to be~~
17 ~~given in one newspaper of general circulation published at or~~
18 ~~near the place where the decedent resided or, in the case of a~~
19 ~~nonresident decedent, at or near the place where the letters~~
20 ~~were granted, and in the legal periodical, if any, designated by~~
21 ~~rule of court for the publication of legal notices, once a week~~
22 ~~for three successive weeks, together with his name and address;~~
23 ~~and in every such notice, he shall request all persons having~~
24 ~~claims against the estate of the decedent to make known the same~~
25 ~~to him or his attorney, and all persons indebted to the decedent~~
26 ~~to make payment to him without delay.~~

27 ~~(b) Exception for limited letters of administration. The~~
28 ~~personal representative, immediately after the grant of limited~~
29 ~~letters of administration, shall cause notice thereof to be~~
30 ~~given in one newspaper of general circulation published at or~~

~~near the place where the decedent resided or, in the case of a nonresident decedent, at or near the place where the letters were granted, and in the legal periodical, if any, designated by rule of court for the publication of legal notices, once a week for three successive weeks, together with the personal representative's name and address and a description of the limited estate to be administered. In every such notice, the personal representative shall request all persons having claims against the limited estate of the decedent to make known the same to the personal representative or its attorney without delay. For the purpose of this subsection, "persons having claims against the limited estate" shall mean only those secured creditors and lien creditors that have claims against the assets of the limited estate.~~

~~§ 3184. Discharge of personal representative and surety.~~

~~After confirmation of his final account and distribution to the parties entitled, or after confirmation of the final account of a limited estate by a personal representative granted limited letters of administration, a personal representative and his surety may be discharged by the court from future liability. The court may discharge only the surety from future liability, allowing the personal representative to continue without surety, upon condition that no further assets shall come into the control of the personal representative until he files another bond with sufficient surety, as required by the register.~~

~~§ 3301. Duty of personal representative.~~

~~(a) General assets. Every personal representative shall file with the register a verified inventory of all real and personal estate of the decedent, except real estate outside of this Commonwealth. An ancillary personal representative or~~

~~personal representative granted limited letters of
administration shall include in the inventory only assets for
which he is responsible.~~

~~(b) Real estate outside of Commonwealth. The inventory
shall include at the end a memorandum of real estate outside of
this Commonwealth. The memorandum, at the election of the
personal representative, may indicate the value of each item of
real estate included therein, but the values so fixed shall not
be extended into the total of the inventory or included as real
estate in subsequent accountings.~~

~~(c) Time for filing. The personal representative shall file
his inventory no later than the date he files his account or the
due date, including any extension, for the filing of the
inheritance tax return for the estate, whichever is earlier. Any
party in interest in the estate may request the filing of an
inventory at an earlier date by writing delivered to the
personal representative or his attorney in which event an
inventory shall be filed within three months after the
appointment of the personal representative or within 30 days
after the request, whichever is later. The court, upon cause
shown, may direct the filing of an inventory at any time.~~

~~§ 3305. Objections to inventory.~~

~~(a) General rule. Objections to the inventory may be made
by any party in interest at any time up to and including the
time fixed by rule of court for making objections to the first
account of the personal representative. Such objections in the
discretion of the court may be heard at the audit of the
account. Objections to the inventory also may be made in the
form of objections to the account.~~

~~(b) Exception for limited letters of administration. For~~

~~the purpose of objections to the inventory of a limited estate administered pursuant to limited letters of administration, "party in interest" in subsection (a) shall be limited to secured creditors and lien creditors that have claims against the assets of the limited estate.~~

~~§ 3311. Possession of real and personal estate; exception.~~

~~(a) General rule. A personal representative shall have the right to and shall take possession of, maintain and administer all the real and personal estate of the decedent, except real estate occupied at the time of death by an heir or devisee with the consent of the decedent. He shall collect the rents and income from each asset in his possession until it is sold or distributed, and, during the administration of the estate, shall have the right to maintain any action with respect to it and shall make all reasonable expenditures necessary to preserve it. The court may direct the personal representative to take possession of, administer and maintain real estate so occupied by an heir or a devisee if this is necessary to protect the rights of claimants or other parties. Nothing in this section shall affect the personal representative's power to sell real estate occupied by an heir or devisee.~~

~~(b) Exception for limited letters of administration. A personal representative granted limited letters of administration shall have the rights and authority in subsection (a) only with respect to the assets of the limited estate.~~

~~§ 3326. Administrator D.B.N. and D.B.N.C.T.A.~~

~~(a) General rule. An administrator de bonis non, with or without a will annexed, shall have the power to recover the assets of the estate from his predecessor in administration or from the personal representative of such predecessor and, except~~

~~as the will shall provide otherwise, shall stand in his predecessor's stead for all purposes, except that he shall not be personally liable for the acts of his predecessor. When he has been required to give bond, no proceeds of real estate shall be paid to him until the court has made an order excusing him from entering additional security or requiring additional security, and in the latter event, only after he has entered the additional security.~~

~~(b) Limited letters of administration. An administrator de bonis non whose letters of administration were granted pursuant to section 3159(b) (relating to letters of administration D.B.N. or D.B.N.C.T.A.) shall only have the power to recover any of the assets of the limited estate that remain after completion of administration pursuant to limited letters of administration. The administrator D.B.N. shall not be personally liable for the acts of the preceding administrator. When the administrator D.B.N. has been required to give bond, no proceeds of real estate shall be paid to it until the court has made an order excusing the administrator D.B.N. from entering additional security or requiring additional security, and in the latter event, only after it has entered the additional security.~~

~~§ 3384. Notice of claim.~~

~~(a) Written notice. Written notice of any claim against a decedent given to the personal representative or his attorney of record before the claim is barred shall toll the statute of limitations.~~

~~(a.1) Written notice concerning limited estate. Written notice of any claim against the limited estate of a decedent given to the personal representative granted limited letters of administration or its attorney of record before the claim is~~

~~barred shall toll the statute of limitations. For the purposes of this subsection, "claim against the limited estate" shall be construed to mean only those claims by secured creditors and lien creditors against the assets of the limited estate.~~

~~(b) Acts equivalent to written notice. Any of the following acts by a claimant shall be equivalent to the giving of written notice of a claim to the personal representative:~~

~~(1) Instituting proceedings to compel the filing of an account.~~

~~(2) Bringing an action against the personal representative in any court having jurisdiction of the claim and having the writ or pleading duly served on the personal representative.~~

~~(3) Substituting the personal representative as a defendant in an action pending against the decedent.~~

~~(4) Receiving a written acknowledgment by the personal representative or his attorney of record of the existence of the claim.~~

~~Section 4. Title 20 is amended by adding a section to read:~~

~~§ 3385.1. Claims against limited estates.~~

~~(a) General rule. Notwithstanding any other provisions of law, no claims shall be enforceable against a limited estate except claims by secured creditors or lien creditors against the real and personal property of the limited estate.~~

~~(b) Claims by government. Nothing in this section shall preclude claims against the limited estate by the United States, the Commonwealth or any political subdivision.~~

~~(c) Remaining estate. Nothing in this section shall preclude claims against an estate administered pursuant to letters of administration de bonis non granted pursuant to~~

~~section 3159(b) (relating to letters of administration D.B.N. or D.B.N.C.T.A.).~~

~~Section 5. Section 3392 of Title 20 is amended to read:~~

~~§ 3392. Classification and order of payment.~~

~~(a) General rule. If the applicable assets of the estate are insufficient to pay all proper charges and claims in full, the personal representative, subject to any preference given by law to claims due the United States, shall pay them in the following order, without priority as between claims of the same class:~~

~~(1) The costs of administration.~~

~~(2) The family exemption.~~

~~(3) The costs of the decedent's funeral and burial, and the costs of medicines furnished to him within six months of his death, of medical or nursing services performed for him within that time, of hospital services including maintenance provided him within that time, and of services performed for him by any of his employees within that time.~~

~~(4) The cost of a gravemarker.~~

~~(5) Rents for the occupancy of the decedent's residence for six months immediately prior to his death.~~

~~(6) All other claims, including claims by the Commonwealth.~~

~~(b) Exception. If the applicable assets of the limited estate are insufficient to pay proper charges and claims against the limited estate as provided in section 3385.1 (relating to claims against limited estates), the personal representative, subject to any preference given by law to claims against the limited estate due the United States, shall pay them in the following order, without priority as between claims of the same~~

~~class:~~

~~(1) The costs of administration.~~

~~(2) All other claims, including claims by the
Commonwealth.~~

~~Section 6. Title 20 is amended by adding a section to read:~~

~~§ 3392.1. Distribution and excess assets of limited estates.~~

~~(a) Distribution prohibited. Notwithstanding any other
provisions of law, no assets of a limited estate shall be
distributed to the decedent's heirs, devisees, legatees or those
entitled under the intestate law.~~

~~(b) Remaining assets. If assets remain after the sale of
the property of the limited estate and payment of proper charges
and claims against the limited estate, the personal
representative shall deposit those amounts in escrow with the
register who granted the limited letters of administration. The
assets deposited in escrow shall no longer be considered assets
of the limited estate and shall be administered by the person or
persons granted letters of administration de bonis non pursuant
to section 3159(b) (relating to letters of administration D.B.N.
or D.B.N.C.T.A.).~~

~~Section 7. Sections 3503, 3513 and 3533 of Title 20 are
amended to read:~~

~~§ 3503. Notice to parties in interest.~~

~~(a) General rule. The personal representative shall give
written notice of the filing of his account and of its call for
audit or confirmation to every person known to the personal
representative to have or assert an interest in the estate as
beneficiary, heir, next of kin or claimant, unless the interest
of such person has been satisfied or unless such person fails to
respond to a demand under section 3532(b.1) (relating to at risk~~

1 ~~of personal representative).~~

2 ~~(b) Exception for limited letters of administration. The~~
3 ~~personal representative granted limited letters of~~
4 ~~administration shall give written notice of the filing of its~~
5 ~~account and of its call for audit or confirmation to:~~

6 ~~(1) Every person known to the personal representative~~
7 ~~who would have been eligible to petition for letters of~~
8 ~~administration pursuant to section 3155(b)(3) (relating to~~
9 ~~persons entitled).~~

10 ~~(2) Secured creditors or lien creditors who have claims~~
11 ~~against the limited estate under section 3385.1(a) (relating~~
12 ~~to claims against limited estates).~~

13 ~~§ 3513. Statement of proposed distribution.~~

14 ~~(a) General rule. A personal representative filing an~~
15 ~~account shall file a statement of proposed distribution or a~~
16 ~~request that distribution be determined by the court or by an~~
17 ~~auditor, as local rules may prescribe. The statement of proposed~~
18 ~~distribution shall be in such form, and such notice thereof~~
19 ~~shall be given by advertisement or otherwise, and objections~~
20 ~~thereto may be made, as local rules prescribe.~~

21 ~~(b) Exception for limited letters of administration. A~~
22 ~~personal representative granted limited letters of~~
23 ~~administration shall not be required to file a statement of~~
24 ~~proposed distribution.~~

25 ~~§ 3533. Award upon final confirmation of account.~~

26 ~~(a) General rule. A personal representative shall be~~
27 ~~relieved of liability with respect to all real and personal~~
28 ~~estate distributed in conformity with a decree of court or in~~
29 ~~accordance with rule of court after confirmation of an account.~~
30 ~~In making any such distribution, the personal representative~~

1 ~~shall not be entitled to demand refunding bonds from the~~
2 ~~distributees, except as provided by this title or as directed by~~
3 ~~the court.~~

4 ~~(b) Exception for limited letters of administration. A~~
5 ~~personal representative granted limited letters of~~
6 ~~administration shall be relieved of liability with respect to~~
7 ~~all of the limited estate after confirmation of an account.~~

8 SECTION 1. SECTIONS 3155, 3159 AND 3311 OF TITLE 20 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 3155. PERSONS ENTITLED.

11 (A) LETTERS TESTAMENTARY.--LETTERS TESTAMENTARY SHALL BE
12 GRANTED BY THE REGISTER TO THE EXECUTOR DESIGNATED IN THE WILL,
13 WHETHER OR NOT HE HAS DECLINED A TRUST UNDER THE WILL.

14 (B) LETTERS OF ADMINISTRATION.--LETTERS OF ADMINISTRATION
15 SHALL BE GRANTED BY THE REGISTER, IN SUCH FORM AS THE CASE SHALL
16 REQUIRE, TO ONE OR MORE OF THOSE HEREINAFTER MENTIONED AND,
17 EXCEPT FOR GOOD CAUSE, IN THE FOLLOWING ORDER:

18 (1) THOSE ENTITLED TO THE RESIDUARY ESTATE UNDER THE
19 WILL.

20 (2) THE SURVIVING SPOUSE.

21 (3) THOSE ENTITLED UNDER THE INTESTATE LAW AS THE
22 REGISTER, IN HIS DISCRETION, SHALL JUDGE WILL BEST ADMINISTER
23 THE ESTATE, GIVING PREFERENCE, HOWEVER, ACCORDING TO THE
24 SIZES OF THE SHARES OF THOSE IN THIS CLASS.

25 (4) THE PRINCIPAL CREDITORS OF THE DECEDENT AT THE TIME
26 OF HIS DEATH.

27 (5) OTHER FIT PERSONS.

28 (6) IF ANYONE OF THE FOREGOING SHALL RENOUNCE HIS RIGHT
29 TO LETTERS OF ADMINISTRATION, THE REGISTER, IN HIS
30 DISCRETION, MAY APPOINT A NOMINEE OF THE PERSON SO RENOUNCING

1 IN PREFERENCE TO THE PERSONS SET FORTH IN ANY SUCCEEDING
2 PARAGRAPH.

3 (7) A GUARDIANSHIP SUPPORT AGENCY SERVING AS GUARDIAN OF
4 AN INCAPACITATED PERSON WHO DIES DURING THE GUARDIANSHIP
5 ADMINISTERED PURSUANT TO SUBCHAPTER F OF CHAPTER 55 (RELATING
6 TO GUARDIANSHIP SUPPORT).

7 (8) A REDEVELOPMENT AUTHORITY FORMED PURSUANT TO THE ACT
8 OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN
9 REDEVELOPMENT LAW.

10 (C) TIME LIMITATION.--EXCEPT WITH THE CONSENT OF THOSE
11 ENUMERATED IN PARAGRAPHS (1), (2) AND (3), NO LETTERS SHALL BE
12 ISSUED TO THOSE ENUMERATED IN [PARAGRAPHS (4) AND (5)] PARAGRAPH
13 (4), (5) OR (8) OF SUBSECTION (B) UNTIL [SEVEN] 30 DAYS AFTER
14 THE DECEDENT'S DEATH.

15 (D) DEATH CHARGES.--NOTWITHSTANDING THE PROVISIONS OF
16 SUBSECTIONS (A) AND (B), THE REGISTER SHALL NOT GRANT LETTERS
17 TESTAMENTARY OR LETTERS OF ADMINISTRATION TO ANY PERSON CHARGED,
18 WHETHER BY INDICTMENT, INFORMATION OR OTHERWISE, BY THE UNITED
19 STATES, THE COMMONWEALTH OR ANY OF THE SEVERAL STATES, WITH
20 VOLUNTARY MANSLAUGHTER OR HOMICIDE, EXCEPT HOMICIDE BY VEHICLE,
21 IN CONNECTION WITH A DECEDENT'S DEATH UNLESS AND UNTIL THE
22 CHARGE IS WITHDRAWN, DISMISSED OR A VERDICT OF NOT GUILTY IS
23 RETURNED.

24 § 3159. LETTERS OF ADMINISTRATION D.B.N. OR D.B.N.C.T.A.

25 (A) GENERAL RULE.--WHEN AN ENTIRE VACANCY OCCURS IN THE
26 OFFICE OF PERSONAL REPRESENTATIVE BEFORE ADMINISTRATION IS
27 COMPLETED, THE REGISTER, IN A CASE OF INTESTACY, SHALL GRANT
28 LETTERS OF ADMINISTRATION DE BONIS NON, AND IN THE CASE OF
29 TESTACY, LETTERS DE BONIS NON CUM TESTAMENTO ANNEXO, TO THE
30 PERSON OR PERSONS ENTITLED THERETO.

1 (B) EXCEPTION.--WHEN A REDEVELOPMENT AUTHORITY HAS BEEN
2 APPOINTED AS ADMINISTRATOR, BUT THE ENTIRE ESTATE HAS NOT BEEN
3 ADMINISTERED, A REGISTER MAY GRANT LETTERS OF ADMINISTRATION DE
4 BONIS NON TO THE PERSON OR PERSONS ENTITLED THERETO WITH REGARD
5 TO THE REMAINDER OF THE ESTATE. LETTERS OF ADMINISTRATION DE
6 BONIS NON GRANTED UNDER THIS SUBSECTION SHALL ONLY ENTITLE THE
7 PERSON OR PERSONS TO ADMINISTER THAT PORTION OF AN ESTATE, NOT
8 INCLUDING REAL ESTATE, THAT REMAINS.

9 § 3311. POSSESSION OF REAL AND PERSONAL ESTATE; EXCEPTION.

10 (A) PERSONAL REPRESENTATIVE.--A PERSONAL REPRESENTATIVE
11 SHALL HAVE THE RIGHT TO AND SHALL TAKE POSSESSION OF, MAINTAIN
12 AND ADMINISTER ALL THE REAL AND PERSONAL ESTATE OF THE DECEDENT,
13 EXCEPT REAL ESTATE OCCUPIED AT THE TIME OF DEATH BY AN HEIR OR
14 DEVISEE WITH THE CONSENT OF THE DECEDENT. HE SHALL COLLECT THE
15 RENTS AND INCOME FROM EACH ASSET IN HIS POSSESSION UNTIL IT IS
16 SOLD OR DISTRIBUTED, AND, DURING THE ADMINISTRATION OF THE
17 ESTATE, SHALL HAVE THE RIGHT TO MAINTAIN ANY ACTION WITH RESPECT
18 TO IT AND SHALL MAKE ALL REASONABLE EXPENDITURES NECESSARY TO
19 PRESERVE IT. THE COURT MAY DIRECT THE PERSONAL REPRESENTATIVE TO
20 TAKE POSSESSION OF, ADMINISTER AND MAINTAIN REAL ESTATE SO
21 OCCUPIED BY AN HEIR OR A DEVISEE IF THIS IS NECESSARY TO PROTECT
22 THE RIGHTS OF CLAIMANTS OR OTHER PARTIES. NOTHING IN THIS
23 SECTION SHALL AFFECT THE PERSONAL REPRESENTATIVE'S POWER TO SELL
24 REAL ESTATE OCCUPIED BY AN HEIR OR DEVISEE.

25 (B) REDEVELOPMENT AUTHORITY.--A REDEVELOPMENT AUTHORITY
26 GRANTED LETTERS OF ADMINISTRATION SHALL HAVE THE POWER TO TAKE,
27 CLEAR, COMBINE OR TRANSFER TITLE TO REAL PROPERTY OF THE ESTATE
28 AS NECESSARY TO RETURN SUCH PROPERTY TO PRODUCTIVE USE, AND UPON
29 PAYMENT OF FAIR MARKET VALUE OF THE PROPERTY IN ITS CURRENT
30 STATE, TO THE ESTATE.

1 Section & 2. This act shall take effect in 60 days.

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