

§3-619. Public administrators

1. Public administrators; appointment; powers and duties. The Governor shall appoint in each county for a term of 4 years, unless sooner removed, a public administrator who shall, upon petition to the court and after notice and hearing, be appointed to administer the estates of persons who die intestate within the county, or who die intestate elsewhere leaving property within the county, and who are not known to have within the state any heirs who can lawfully inherit the estate, and for whom no other administration has been commenced. The public administrator has the same powers and duties of a personal representative under supervised administration as provided in section 3-504 and, except as provided in subsection 7, shall give bond as provided for other personal representatives in cases of ordinary administration under sections 3-603 to 3-606. If any person entitled to appointment as personal representative under section 3-203, prior to the appointment of the public administrator, files a petition for informal or formal appointment as personal representative, the court shall withhold any appointment of the public administrator pending denial of the petition for the appointment of the private personal representative.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Compensation. The public administrator may be allowed fees and compensation for the public administrator's services as in the case of ordinary administration as provided in sections 3-719 to 3-721, except that no fee for the public administrator's own services may be paid without prior approval by the court.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Authority pending appointment. Pending the appointment of the public administrator, and in the absence of any local administration or any administration by a domiciliary foreign personal representative under sections 4-204 and 4-205, the public administrator may proceed to conserve the property of the estate when it appears necessary or expedient.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Termination. If before the estate of a decedent in the hands of the public administrator is fully settled any last will and testament of the decedent is granted informal or formal probate, or if any person entitled under section 3-203 to appointment as personal representative is informally or formally appointed, the appointment of the public administrator is terminated as provided in section 3-608, and the public administrator shall account for and deliver the assets of the estate to the private personal representative or to the successors under the will as provided by law if no private personal representative has been appointed.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Decedent's assets disposed of as unclaimed property. When there are assets other than real property remaining in the hands of the public administrator after the payment of the decedent's debts and all costs of administration and no heirs have been discovered, the public administrator must be ordered by the court to deposit the assets with the Treasurer of State, who shall receive the assets and dispose of them according to Title 33, chapter 41. These assets must, for the purposes of Title 33, chapter 41, be presumed unclaimed when the court orders the public administrator to deposit them with the Treasurer of State.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

6. Notice to treasurer; annual audit. In all cases where a public administrator is appointed, the register shall immediately send to the Treasurer of State a copy of the petition and the decree, and in all cases in which the public administrator is ordered to pay the balance of the estate as provided in subsection 5 the court shall give notice to the county treasurer of the amount and from what estate it is receivable. If the public administrator neglects for 3 months after the order of the court to deposit the money, the county treasurer shall petition the court for enforcement of the order or bring a civil action

upon any bond of the public administrator for the recovery of the money. The records and accounts of the public administrator must be audited annually by the Office of the State Auditor.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

7. Exemption from notice and bond requirements. Estates administered under this section having a value at the decedent's death not exceeding \$5,000 are exempt from all notice and filing costs and from giving bond. The cost of notice must be paid by the court.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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