

MAINE STATE LEGISLATURE

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CHAPTER 211

SPECIAL ADMINISTRATORS

Sec.

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§ 1701. Appointment; bond

When there is a delay in granting letters testamentary or of administration, the judge of probate may appoint a special administrator who shall, notwithstanding any pending appeal, proceed in the execution of his duties until it is otherwise ordered by the supreme court of probate, and if, for any cause other than an appeal, the judge of probate decides that it is necessary or expedient, he may at any time and place, with or without notice, appoint a special administrator. He shall give bond like other administrators, conditioned that he will make and return into the probate court within 3 months a true inventory of all the goods, chattels, rights and credits of the deceased which come to his possession or knowledge; and that he will truly account for them under oath and deliver them to the person authorized to receive them. When, by reason of the removal or discharge of executors or administrators and appeals from the decrees of removal or discharge, there is no executor or administrator to act, the judge may appoint a special administrator who shall have the same powers and perform the same duties as other special administrators, until such appeals are disposed of and some executor or administrator may legally act.

R.S.1954, c. 154, § 55.

§ 1702. Powers and duties

The special administrator shall collect all the goods, chattels and debts of the deceased, control and cause to be improved all his real estate, collect the rents and profits thereof and preserve them for the executor or administrator thereafter appointed; and for that purpose may maintain actions and sell such perishable and other goods as the judge orders; and shall have such powers to vote stock owned by the deceased as the deceased would have if

living, at all corporation meetings, and the authority to sell and transfer any specific rights which may have accrued to the estate of said deceased as such stockholder and the judge may authorize and direct that the business of the deceased, in whole or in part shall, for a limited time to be determined by him, be carried on by such special administrator as a going business; pay the expenses of the funeral and last sickness and of his administration; debts preferred under the laws of the United States; public rates and taxes, and money due the State from the deceased; and pay to the widow or widower, if any, and if not, to the guardian of the children under 14 years of age, for their temporary support, such sums as the judge orders, having regard to the state and the amount of the property; and sums so paid to the widow, widower or guardian shall be deducted, if the estate is solvent, from the share of the widow, widower or childrer, but if insolvent, shall be considered by the judge in his allowance to them.

R.S.1954, c. 154, § 56; 1955, c. 276; 1961, c. 317, § 495.

§ 1703. Compensation; cessation of powers

The special administrator shall be allowed such compensation for his services as the judge thinks reasonable, not exceeding that allowed to other administrators. On the granting of letters testamentary or of administration his powers cease and he shall forthwith deliver all the goods, chattels, money and effects of said deceased in his hands, and the executor or administrator may prosecute any action commenced by the special administrator as if it had been commenced by himself.

R.S.1954, c. 154, § 57; 1961, c. 317, § 496.

§ 1704. Creditor's actions; authorization of judge

No special administrator is liable to an action by any creditor of the deceased, without an application by such creditor to the judge and his decree authorizing it. The limitation of all actions against the estate begins to run from the time of granting letters testamentary or of administration in the usual form as if such special administration had not been granted.

R.S.1954, c. 154, § 58; 1961, c. 317, § 497.

§ 1705. Letters testamentary pending appeal

When a will has been proved and allowed by the judge of probate and an appeal made therefrom, he may, instead of appointing a special administrator, grant letters testamentary to the

executor named in such will, who shall give bond and proceed in the settlement of such estate as if no appeal had been made. After payment of the just debts and charges of administration, he shall retain in his hands all the remaining avails of such estate to await the result of the case in the supreme court of probate, and then pay the same under the direction of the judge of probate to the parties legally entitled thereto.

R.S.1954, c. 154, § 59.