§ 80. Guardians in socage. Where a minor for whom a general guardian of the property has not been appointed shall acquire real property, the guardianship of his property with the rights, powers and duties of a guardian in socage belongs: (1) to the parents jointly, or, if they be separated, or divorced, to the parent who has been given the custody of the minor by a decree of court, or in the absence of such a decree, to the parent having the actual custody of the minor; (2) if one of the parents be dead, to the sole surviving parent; (3) if there be no father or mother, to the nearest and eldest relative of full age, not under any legal incapacity.

The rights and authority of every such guardian shall be superseded by a testamentary or other guardian appointed in pursuance of this article or in pursuance of article ten of the surrogates court act.