§ 1306. Powers

1. If any person to whom a certificate and receipt are presented by a voluntary administrator refuses to pay, deliver, transfer or issue to the voluntary administrator any personal property of the decedent, the voluntary administrator may maintain an action or proceeding to recover or compel the delivery of the property, or to enforce a contractual or quasi contractual claim owned by decedent, provided the amount claimed, together with all other assets of the estate to be administered under this article, does not exceed the monetary amount defined as a small estate pursuant to subdivision one of section 1301 of this article. In such action or proceeding, a certified copy of the affidavit shall be prima facie proof of the facts therein stated.

2. A voluntary administrator may sell for its reasonable value in cash any personal property of the decedent coming into the voluntary administrator's possession.

3. For the purpose of this article, a voluntary administrator shall be deemed to be the fiduciary of the estate until another fiduciary is appointed, and except as hereinafter provided, the voluntary administrator shall have the rights, powers and duties with respect to personal property of an administrator duly appointed for the estate. The voluntary administrator shall have no power to enforce a claim for the wrongful death of or a claim for personal injuries to the decedent.

Upon the appointment and qualification of another fiduciary of the estate, the powers of the voluntary administrator shall cease.