§ 1505. Proceeding when testamentary trustee is also executor or administrator

1. Where the same person is a testamentary trustee and also the executor of the will or the administrator upon the same estate, proceedings taken by or against him as trustee, as prescribed in this act, do not affect him as executor or administrator or persons interested in the general estate, except in one of the following cases:

(a) Where he presents a petition praying for the revocation of his letters, he may in the same petition show that he is entitled to resign as testamentary trustee and may thereupon pray for a decree allowing him to resign and for process accordingly.

(b) Where a person presents a petition praying for the revocation of letters issued to an executor or administrator and any of the facts in the petition are made, by the provisions of this act, sufficient to entitle the same person to present a petition praying for the removal of a testamentary trustee, the petitioner may pray for a decree removing the person complained of in both capacities, and for process accordingly.

2. In either case proceedings upon the petition for resignation or removal, as the case requires, of the testamentary trustee, and for the judicial settlement of his account, may be taken as prescribed in this act, in connection with or separately from the like proceedings upon the petition for the revocation of the letters, as directed by the court.