§ 1608. Ancillary letters generally

1. A person acting in the decedent's domicile as executor or administrator or to administer the decedent's estate in accordance with the law thereof may by an acknowledged instrument designate and authorize the appointment of a person eligible to receive letters to act as ancillary administrator or ancillary administrator c.t.a. If conflicting designations or joint plural designations are made or if two or more persons are entitled jointly to letters under this article the court may appoint one or more of the persons so designated or one or more of the persons so entitled.

2. A person to whom ancillary letters are issued must qualify in the same manner as prescribed in this act for the qualification of a fiduciary except that the penalty of the bond may be in such sum as to the court seems just, unless the will dispenses with the filing of a bond by the fiduciary named therein, in which case the court may dispense with the filing of a bond by the fiduciary so named.

3. In any case where the court is satisfied that there is no creditor of the decedent who is a domiciliary of this state and that no estate tax is assessable in this state, ancillary letters may issue without bond. Before issuing such letters without bond, however, the court may require that supplemental process issue, directed generally to all creditors or persons claiming to be creditors who are domiciled in this state and that it be served by publication unless such process had theretofore been served in the proceeding.

4. All of the provisions of this act relating to eligibility to receive letters shall be applicable to appointments made under this article.

5. Before granting ancillary letters on any application therefor the court may require the petitioner or any other person seeking such letters to serve by mail a written notice of the application upon every domiciliary beneficiary who has not been served with process or has not appeared in the proceeding for ancillary letters or waived service of

process therein. Such notice shall be in the form prescribed in 1005 if the application be for ancillary letters of administration or in the form prescribed in 1409 if the application be for ancillary letters testamentary or ancillary letters of administration c.t.a. and shall be served in accordance with the applicable section.

6. Any corporate banking institution of any state of the United States, the Commonwealth of Puerto Rico, territory or possession of the United States not entitled of right under the banking law to receive such letters may nevertheless be authorized by the court to receive such letters upon filing such bond as the court may require.