§ 1901. Real property subject to disposition; "disposition" and "fiduciary" defined

1. The court may authorize or direct the disposition of a decedent's real property or any interest therein for any of the purposes set forth in the succeeding section. The court may entertain an application for disposition under this article even if the proposed disposition is or appears to be authorized by the will or by a statute.

2. Disposition of the real property of a decedent within the meaning of this article includes:

(a) Sale,

(b) Mortgage,

(c) Exchange,

(d) Lease,

(e) Confirmation of a prior lease made without court approval,

(f) Release of the right to an award for the taking of real property by eminent domain, and

(g) Transfer to a spouse or other beneficiary in full or partial satisfaction of the interest or share of such person in the decedent's estate.

(h) Enter into possession of any real property, receive the rents thereof and apply them as directed by the court.

(i) In the event the estate of a decedent is the owner of an estate in common in real property, the executor or administrator may bring a partition action or intervene in a pending partition action on behalf of the estate, if, upon application duly made, the surrogate approves.

3. The term "fiduciary" as used in this article does not include a trustee, guardian, donee of a power to manage during minority property vested in an infant or a voluntary administrator.