§ 2103. Proceeding by fiduciary to discover property withheld or obtain information

1. A fiduciary may present to the court which has jurisdiction over the estate a petition showing on knowledge or information and belief that any property as defined in 103 or the proceeds or value thereof which should be paid or delivered to him is

(a) in the possession or control of a person who withholds it from him, whether possession or control was obtained prior to creation of the estate or subsequent thereto or

(b) within the knowledge or information of a person who refuses to impart knowledge or information he may have concerning it or to disclose any other fact which will aid the petitioner in making discovery of the property or

(c) he has reason to believe, in the possession or control of a person described in subparagraph (a) of this subdivision or within the knowledge or information of a person described in subparagraph (b) of this subdivision and praying that an inquiry be had respecting it and that the respondent be ordered to attend and be examined accordingly and to deliver the property if in his control.

The petition may be accompanied by an affidavit or other written evidence to support it.

2. "Property" as used in this section shall include any and all personal or real property in which decedent had any interest, including choses in action, money deposited and all property rights of the depositor consequent on the deposit of money by a decedent, grantor or fiduciary or for his account with any authorized banking organization in respect of which the depositary claims no beneficial interest other than its proper costs, fees or expenses.

3. If the court be satisfied there are reasonable grounds for the examination it must make an order accordingly. If the petition does not pray for an inquiry or examination, the court may issue a citation to the person alleged to be in possession or control of the property to show cause why he should not deliver such property or its proceeds or

value.

4. If it appear at any time that a person other than the respondent claims any interest in the property or the proceeds or value thereof the court may issue a citation to such person to show cause why he should not deliver the property if in his control or the proceeds or value thereof and why the court should not determine ownership and right to possession of such property.

5. Service of any order for attendance and examination of any person must be made by delivery of a certified copy thereof to the person or persons therein named and the payment or tender to each of the sum required to be paid to a witness as a subpoena fee.