§ 902. Procedure for appointment of temporary administrator

1. If a proceeding is pending for probate of a will or for letters of administration, process shall issue to such persons and in such manner as directed by the court.

2. If no proceeding is pending and the alleged delay is in a proceeding for

(a) letters of administration on the estate of a decedent or a person alleged to be deceased, process shall issue to the persons who would be entitled to receive process on an application for such letters;

(b) probate of a will, process shall issue to the executor named in the last will on file in the court of a decedent or a person alleged to be deceased and to such beneficiaries named in such will and to such other persons as directed by the court.

3. In the case of an absentee, process shall issue to the absentee and to the persons who would be his or her distributees if he or she had died on the date of filing the petition. Upon return of process the court after hearing shall fix and determine the date when the absentee was last seen or heard of.

4. In the case of an internee, process shall issue to the persons who would be his or her distributees if he or she had died on the date of filing the petition.

5. In all cases under subdivisions 1, 2 and 4, the court may dispense with process if it finds that the best interests of the estate so require.

6. After a citation has been issued by the court in a case under subdivision 3 and it is established to the satisfaction of the court that the best interests of the estate of an absentee require immediate supervision or action by a fiduciary, the court may forthwith appoint the temporary administrator to serve during the pendency of the proceeding or for such shorter period of time as the court directs. In no event shall such appointment be for a longer period than six months

from the date of issuance of the citation. During the pendency of the proceeding, the court may at any time revoke such letters of temporary administration. The temporary administrator shall not be entitled to commissions under 2307 for services rendered prior to the date of the decree finally appointing the temporary administrator and containing the finding required by subdivision 3, but the court may award such compensation for such services as shall be just, reasonable and proper, not to exceed a full commission for all services rendered by such person as fiduciary during the entire administration of the estate.

7. A petition for letters of temporary administration may be presented by any person interested in the estate of a decedent or a person alleged to be deceased, any beneficiary or nominated executor under the last will of a decedent or a person alleged to be deceased on file in the court, any person who would have an interest in the property of an absentee or internee if he or she were dead, a public administrator, county treasurer, creditor or by a person interested in an action brought or about to be brought in which the decedent, absentee or internee would be a proper party.