§ 911. Final determination and distribution of an absentee's estate

1. If it appears at any time during the administration of the estate that the absentee is in fact dead the temporary administrator or a person interested may petition for the probate of his or her will or the grant of full letters of administration and for a judicial determination of the fact of death and if the court finds that it is in the best interests of the estate an accounting and distribution may be directed without the issuance of permanent letters.

2. If before any decree of distribution has been made, an absentee or his duly appointed fiduciary appears and claims his or her property the temporary administrator shall account for, deliver and pay over to the absentee or such fiduciary the remainder thereof after making such deductions as are allowable by law.

3. If the absentee has not appeared or been heard of after the lapse of 5 years from the date of the finding required by 902, subdivision 3 or in case the temporary administrator is not appointed within 4 years after said date, upon the expiration of 1 year after the date of the appointment of the temporary administrator and if the remainder of the property has not been accounted for, delivered or paid over to the absentee or his or her fiduciary under the preceding subdivision of this section the court shall direct an accounting, require the absentee to show cause why his or her assets should not be distributed according to law and thereafter make a decree determining that all interest of the absentee in his or her property has ceased and terminated and directing that all his or her property be distributed to such persons as would be entitled thereto, by will or as in an intestacy, as if such absentee died at the expiration of such 5 year period. Such decree may include a determination of the rights of the absentee or any other person in any contractual or property rights contingent upon the death of the absentee in the same manner as section 2-1.7 of the estates, powers and trusts law. No action shall be brought by an absentee to recover any portion of his or her property after the determination and decree.