

CHAPTER 140 - SPECIAL ADMINISTRATORS

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SECTION 140.010 Causes for appointment. The court shall appoint a special administrator to collect and take charge of the estate of the decedent, in whatever reservation, county or counties the estate may be found, and to exercise such other powers as may be necessary to preserve the estate:

1. If there is a delay in granting letters testamentary or letters of administration, from any cause.
2. If letters are granted irregularly.
3. If no sufficient bond is filed as required by the court.
4. If no petition is filed for letters.
5. If an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative.
6. If there may be no assets subject to administration but good cause exists for the appointment of a personal representative of the decedent.
7. In any other proper case.

SECTION 140.020 Notice and order of appointment; order not appealable.

1. The appointment of a special administrator may be made at chambers or in open court, and without notice or upon such notice to such interested persons as the court deems reasonable, and must be made by entry upon the minutes of the court or by written order signed and filed, which must specify the powers to be exercised by the special administrator.
2. Upon the filing of the order, and after the person appointed has given bond if fixed by the court, the clerk shall issue special letters of administration, with a copy of the order attached.
3. In making the appointment of a special administrator, the court may give preference to the person or persons entitled to letters testamentary or letters of administration, but no appeal may be taken from the appointment.

SECTION 140.030 Bond and oath. Before letters issue to a person as a special administrator, the person must:

1. Give bond in such sum as the court directs, with sureties to the satisfaction of the court, conditioned for the faithful performance of the duties, unless the court waives bond; and
2. Take the usual oath of office.

SECTION 140.040 Powers, duties and immunity from liability for certain claims.

1. A special administrator shall:
 - (a) Collect and preserve for the executor or administrator when appointed all the goods, chattels and receivables of the decedent, and all incomes, rents, issues, profits, claims and demands of the estate.
 - (b) Take charge and management of the real property and enter upon and preserve it from damage, waste and injury.
2. A special administrator may:
 - (a) For all necessary purposes, commence, maintain or defend actions and other legal proceedings as a personal representative.
 - (b) Without prior order of the court, sell any perishable property of the estate, as provided in [SECTION 148.170](#).

- (c) Exercise such other powers as have been conferred by the order of appointment.
 - (d) Obtain leave of the court to borrow money or to lease or mortgage real property in the same manner as an executor or administrator.
3. A special administrator is not liable:
- (a) To any creditor on any claim against the estate; or
 - (b) For any claim against the decedent except a claim involving wrongful death, personal injury or property damage if the estate contains no assets other than a policy of liability insurance.

SECTION 140.050 Payment of mortgage or lien; payment of interest.

1. If any property in the control or possession of a special administrator is subject to a mortgage or lien to secure the payment of money, and there is danger that the holder of the security may enforce or foreclose the encumbrance, and the value of the property exceeds the amount of the obligation thereon, then, upon petition of the special administrator or an interested person and upon such notice as the court deems proper, the court may authorize or direct the special administrator to make one or more payments on all or any part of the amount so secured.

2. The order may also direct that interest not yet accrued be paid as it becomes due, and the order shall remain in effect and cover such future interest unless and until for good cause set aside or modified by the court upon petition and notice, in the same manner as an executor or administrator.

SECTION 140.060 Appointment pending contest of will or appeal from order; appointment before contest of will.

1. If a special administrator is appointed pending determination of a contest of a will instituted before it is admitted to probate, or pending an appeal from an order appointing, suspending or removing an executor or administrator, the special administrator has the same powers, duties and obligations as an executor or administrator, and the letters of administration issued to him must recite that the special administrator is appointed with those powers.

2. If a special administrator has been appointed, and thereafter a proceeding to contest a will before it is admitted to probate has been instituted, the court shall enter an order granting to the special administrator the additional powers, duties and obligations of an executor or administrator and requiring such additional bond as the court deems proper. The order is not appealable.

SECTION 140.070 Effect of grant of letters testamentary or letters of administration. If letters testamentary or letters of administration are granted, the powers of a special administrator cease, and the special administrator shall immediately deliver to the executor or administrator all the property and effects of the decedent in the possession of the special administrator and the executor or administrator may prosecute to final judgment any action commenced by the special administrator.

SECTION 140.080 Account of special administrator. A special administrator shall also render an account, under oath, of the proceedings in like manner as other administrators are required to do, but if a person serving as special administrator is appointed the succeeding administrator or the executor, the accounting otherwise due from the special administrator may be included in the first accounting as administrator or executor.