

Rules of Probate Procedure

Rule 64. Creditors' Claims Against Decedents' Estates

(a) **Notice to creditors.** Unless notice to creditors has already been given or unless subsection (b) applies, an executor or administrator upon appointment shall publish, pursuant to Rule 4(e), notice to creditors of the estate to present their claims within four months after the date of first publication of the notice or be forever barred from their claims. Unless the court orders otherwise, the first publication of the notice to creditors shall occur within 30 days after the issuance of letters testamentary or letters of administration. A copy of the notice shall be filed with the court, within 10 days after the last publication. The executor or administrator shall also promptly send by first class mail a similar notice, or a copy of the published notice, to any creditor known to or reasonably ascertainable by the executor or administrator.

(b) **Waiver of publication.** An executor or administrator seeking to be excused from publishing and sending a notice to creditors shall file a motion with the court prior to the approval of the final account in the proceeding. The motion shall be accompanied by an affidavit that there are no debts existing against the decedent, or that the debts of the decedent are all known and the executor or administrator has funds to pay them, or that the value of the estate does not exceed \$2500.00 and is assigned for the support of the widow and children, or that the only asset of the estate is a wrongful death action. The court may require a hearing on the motion after giving notice to such persons as the court directs.

(c) **Written statement of claim.** A claimant shall deliver a written statement of claim to the executor or administrator and file a copy with the register.

(d) **Determination of claims in the court.** If a claim is disallowed, the creditor may appeal to the court pursuant to law. The executor or administrator shall, within 10 days after a creditor has appealed to the court, file a written statement showing why the claim should be rejected or should be reduced in amount.

(e) **Petition for order that a claim be paid.** When a petition is filed seeking an order directing the executor or administrator to pay a claim the executor or administrator shall within 10 days file a written statement showing the assets in the estate, the provision made for homestead, family and support allowances, the nature and amount of claims that have been allowed, the nature and expected amount of unbarred claims that have not been presented and the costs and expenses of administration that have accrued.

(f) **Special administrators.** A special administrator may be appointed to administer a decedent's estate where necessary to settle a claim against the estate by the executor or administrator. A special administrator shall give bond as the court directs.

Amended May 14, 1986, eff. July 1, 1986; Oct. 4, 2000, eff. Dec. 31, 2000.