

THE CLOCK IS TICKING!

A Brief Look at the Time Limitations for Creditors to Make Claims Against Decedents Estates

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	Maryland	Washington, DC	Virginia
Time Limit	<p>Pursuant to Maryland Code, Estates and Trusts Section 8-103, claims, whether current or contingent, against a decedent's estate must be filed prior to the earlier of:</p> <p><i>6 months after the date of the decedent's death; or</i></p> <p><i>2 months after the personal representative provides formal notice to the creditor</i></p> <p>Failure to file at these specified times results in the claim being forever barred.</p> <p>EXCEPTION: Secured debts may be permitted recovery after the claim period</p>	<p>Pursuant to Washington DC Code, Section 20-903, claims against a decedent's estate must be filed within 6 months of the first publication, by the personal representative, of their notice of appointment.</p> <p>EXCEPTION: Secured debts may be permitted recovery after the claim period</p>	<p>Pursuant to Virginia Code, Section 64.1-173, there is no defined claim period for creditors against decedent's estates.</p> <p>The claim period is defined by the time period which the estate is open. Generally, so long as estate proceedings remain open, a claim can be made.</p> <p>EXCEPTION: After 6 months, pursuant to 64.1-179, the estate can petition the court to hold a debts and demands hearing. At that point, the court will publish notice in a local newspaper requiring all creditors to appear and present their claims on a set date. Subsequently, the court will issue an order specifying order of payment and then authorizing distribution of the estate. Once the commissioner issues his/her order and an order of distribution is obtained from the Circuit Court, future creditor's claims are barred.</p>
Procedure	<p>Pursuant to Maryland Code, Estates and Trusts Section 8-104, a creditor must file a formal claim. This is usually done through use of the form provided by the Register of Wills.</p> <p>The Creditor can either: (1) serve the completed claim on the personal representative, (2) File the claim with the Register of Wills and serve the personal representative, or (3) File a formal lawsuit.</p>	<p>Pursuant to Washington DC Code, Section 20-905, a creditor must file a written statement of claim to the court. This is done by completing a claim against decedents estate form found on the Probate Court website. A creditor must deliver a copy to the Court and a copy to the personal representative.</p>	<p>Pursuant to Virginia Code, Section 64.1-173, a creditor must file a written statement of claim and present it to the commissioner. This is done by completing a claim form found at the local commissioner's office or on the website.</p>

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