

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Series: Estate Administration for Personal Representatives
Title: Part 6 Claims

Chapter Heading:

Claims Against the Estate
Handling a Claim

Welcome. This video series is for personal representatives administering an estate. This video will cover how to handle claims against the estate and applies to both small and regular estates. Watch parts 2 and 3 of this series for more information on your filing obligations in small and regular estates.

The Office of the Register of Wills can help you with forms and resources. When you were appointed as personal representative, the Register shared a packet of information and sample forms with you. Refer to that packet for filing dates and deadlines. Visit the Register of Wills website at registers.maryland.gov, or talk to a lawyer.

A quick note before moving forward. We will refer to the person who passed away as the decedent.

Let's get started by talking about claims against the estate.

Chapter heading: Claims Against the Estate

Someone who believes the decedent owes them money may file a statement with the Register of Wills. This is called a Claim Against the Decedent's Estate. The claim states how much money the person believes they are owed, and provides documentation to support the claim. The person who filed the statement is called a claimant.

Generally, claims must be filed within six months of the decedent's death. However, there are several exceptions for creditors – that is, a person or business the decedent owed money to.

If you delivered notice of your appointment to a creditor, then the creditor's deadline to submit a claim may be shorter. Here are some deadlines to keep in mind.

One - For small estates, creditors must file within 30 days of receiving the notice of your appointment or within six months of the person's death, whichever comes first.

Two - For regular estates, creditors must file within two months of receiving the notice of your appointment or within six months of the person's death, whichever comes first.

Three - Another exception is specific to Medicaid claims. The Maryland Department of Health may file a claim up to six months after the third and final publication of notice, not six months after the date of the decedent's death.

Let's move on and talk about handling a claim.

Chapter Heading: Handling a Claim

All claims must be dealt with before you can close the estate. To handle a claim, you will either pay the claim or file a Notice of Disallowance. In the notice, you will state how much of the claim you are willing to pay and how much you are not willing to pay. To file a Notice of Disallowance, use form RW 1129. Find it on the Register of Wills' website, registers.maryland.gov. You must also mail a copy of the Notice to the claimant who made the claim.

If that claimant disagrees, they can file a petition with the Orphans' Court asking for a hearing. The claimant must file the petition within 60 days from the date the Notice of

Disallowance was mailed to them. If the claimant does not file a petition, you do not have to pay the portion of the claim you disallowed. If the claimant did file a petition, there will be a hearing. Be prepared to tell the court why the estate does not owe the money. The court will then decide whether the estate owes the money or not.

Maryland law lists claims and expenses in order of priority to get paid. See the tip sheet accompanying this video for more information.

We have covered a lot of material. Remember to seek legal advice if you need it.

Thanks for watching.