

S. F. No. 73.

CHAPTER 82.

Probate code;
amendment.

An act to amend section 102 of chapter 46 of the General Laws of 1889 entitled "An act to establish a Probate Code," being section 4509 of title six (6) of chapter 45a of the General Statutes of 1894.

Sec. 102, c. 46,
Laws of 1889,
amended;
time to file
claims not
less than 6
months, nor
more than 1
year.

Be it enacted by the Legislature of the State of Minnesota:

Upon affidavit
of no debts
may be limited
to 3
months.

SECTION 1. Section one hundred and two (102) of the General Laws of 1889 is hereby amended to read as follows: At the time of granting letters testamentary or of adm[ni]stration, the court shall make an order limiting the time in which creditors may present claims against the deceased for examination and allowance, which shall not be less than six months nor more than one year from the date of such order; *provided*, that the judge of probate on proper proof by affidavit of the executor or administrator that there are no debts against the estate may limit the time in which creditors may present their claims to three months. Said order shall fix the time or times and place in which the court will examine and adjust claims and demands of all persons against the deceased. No claim or demand shall be received after the expiration of the time so limited, unless for good cause shown. The court may in its discretion receive, hear and allow such claim upon notice to the executor or administrator, but no claim shall be received or allowed unless presented within one year and six months from the time when notice of the order is given, as provided in the next section, and before final settlement, and the allowance or disallowance of any claim shall have the same force and effect as a judgment for or against the estate.

Need not be
made when
deceased
leaves only
homestead.

Provided, that where it appears from the petition for letters to the satisfaction of the judge of probate that the deceased left no more property than the homestead and such personal property as is mentioned in subdivision one of section seventy of this code, then the order fixing a time and place for hearing claims against said deceased need not be made.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1899.