

573.09 HEIRS AND DEVISEES; WHEN LIABLE.

Heirs and devisees are liable to an action by a creditor of a deceased person to recover a debt, to the extent of the value of any real property inherited by or devised to them. If such action be against the heirs, all heirs who are liable shall be made parties thereto. The heirs shall not be liable for the debt unless it shall appear that the personal assets were not sufficient to discharge it, or that, after due proceedings before the district court, the creditor is unable to collect the debt from the personal representatives of the decedent, or from the next of kin or a legatee; and if the personal assets were sufficient to pay a part of the debt, or in case a part thereof has been collected, as hereinbefore mentioned, the heirs of such deceased person are liable for the residue. Nothing in this section shall affect the liability of heirs for a debt of their ancestors, where, by will, such debt was expressly charged exclusively on the real property descended to such heirs, or directed to be paid out of the real property so descended, before resorting to the personal property.

History: (9664) *RL s 4510; 1986 c 444; 1995 c 189 s 8; 1996 c 277 s 1*