573.07 LEGATEES; WHEN LIABLE.

Legatees are liable to an action by a creditor of the testator to recover the value of legacies received by them. Such action may be brought against all or any one or more of the legatees. The plaintiff cannot recover without showing:

(1) that no assets were delivered by the executor or administrator to the heirs or next of kin; or

(2) that the value of the assets so delivered has been recovered by another creditor; or

(3) that such assets are not sufficient to satisfy the demands of the plaintiff, in which case the plaintiff can recover only the deficiency.

The whole amount which the plaintiff can recover shall be apportioned among all the legatees, in proportion to the amount of their legacies, respectively, and each legatee's proportion only can be recovered of each legatee.

History: *(9662) RL s 4508; 1986 c 444*