

Overview - A Creditor of The Estate

General Information:

A creditor of an estate is a person or entity (business or organization) to whom the decedent owed money.

“Decedent” is the term used to refer to the person who died.

When a person dies and owes money to a person or entity (a creditor), the creditor can seek payment of the debt by contacting the Executor/Administrator of the decedent’s estate and presenting the bill for payment. This is the best way to seek payment. If there is enough money in the estate, the Executor/Administrator should pay the debt.

The creditor is not required file an Appearance or Notice of Claim in the decedent’s estate case in order to be paid. Although a creditor may choose to file in the estate case, this does not have any impact on payment of the claim.

The filing of a Notice of Claim by the creditor does not provide any assurance that the creditor will be paid. Even if the creditor files a Notice of Claim, the court does not supervise or enforce payment of debts owed by the estate. Creditors should communicate directly with the Executor/Administrator to seek payment of their claims.

If the Executor/Administrator does not pay a creditor’s claim, the creditor has one year from the date of the Executor/Administrator’s appointment date to file a civil action to attempt to obtain payment. (See RSA 556:5 and RSA 556:7)

In some instances, and when the court finds that justice and equity require it, the court may allow a claim to be filed by a creditor beyond the one year deadline. (See RSA 556:28)

Other Helpful Resources:

RSA:

RSA 556:5

RSA 556:7

RSA 556:28

Court Rule:

Probate Court Rule 102-A

Form(s):

Notice to Creditor (**NHJB-2999-Pe**)

More information about proceeding with a civil action can be found on the court website www.courts.state.nh.us.

For Further Information:

If you have questions, please contact the Information Center at 1-855-212-1234.