

1 House BILL NO. 307  
 2 INTRODUCED BY Dassinger  
 3 By request of the Department of Revenue  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 91A-3-803 AND 91A-3-805, R.C.M. 1947, RELATING TO CLAIMS  
 6 AGAINST A DECEDENT'S ESTATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 91A-3-803, R.C.M. 1947, is amended  
10 to read as follows:

11 "91A-3-803. Limitations of presentation of claims --  
 12 exception. (1) All claims against a decedent's estate with  
 13 the exception of claims for taxes and claims founded on  
 14 tort which arose before the death of the decedent, including  
 15 claims of the state and any subdivision thereof, whether due  
 16 or to become due, absolute or contingent, liquidated or  
 17 unliquidated, founded on contract or other legal basis, if  
 18 not barred earlier by other statute of limitations, are  
 19 barred against the estate, the personal representative, and  
 20 the heirs and devisees of the decedent, unless presented as  
 21 follows:

22 (a) within four (4) months after the date of the first  
 23 publication of notice to creditors if notice is given in  
 24 compliance with section 91A-3-801; provided, claims barred  
 25 by the nonclaim statute at the decedent's domicile before

1 the first publication for claims in this state are also  
 2 barred in this state; or

3 (b) within three (3) years after the decedent's death,  
 4 if notice to creditors has not been published.

5 (2) All claims against a decedent's estate with the  
 6 exception of claims for taxes and claims founded on tort  
 7 which arise at or after the death of the decedent, including  
 8 claims of the state and any subdivision thereof, whether due  
 9 or to become due, absolute or contingent, liquidated or  
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 13 follows:

14 (a) a claim based on a contract with the personal  
 15 representative, within four (4) months after performance by  
 16 the personal representative is due;

17 (b) any other claim, within four (4) months after it  
 18 arises.

19 (3) Nothing in this section affects or prevents:

20 (a) any proceeding to enforce any mortgage, pledge, or  
 21 other lien upon property of the estate; or

22 (b) to the limits of the insurance protection only,  
 23 any proceeding to establish liability of the decedent or the  
 24 personal representative for which he is protected by  
 25 liability insurance."

*HB 307*

1 Section 2. Section 91A-3-805, R.C.M. 1947, is amended  
2 to read as follows:

3 "91A-3-805. Classification of claims. (1) If the  
4 applicable assets of the estate are insufficient to pay all  
5 claims in full, the personal representative shall make  
6 payment in the following order:

7 (a) costs and expenses of administration;  
8 (b) reasonable funeral expenses and reasonable and  
9 necessary medical and hospital expenses of the last illness  
10 of the decedent, including compensation of persons attending  
11 him;

12 (c) federal and Montana state taxes, and debts and  
13 taxes with preference under federal and Montana law;

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19 ~~{f}~~ {d} all other claims.

20 (2) No preference shall be given in the payment of any  
21 claim over any other claim of the same class, and a claim  
22 due and payable shall not be entitled to a preference over  
23 claims not due."

-End-

Approved by Committee  
on Judiciary

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(3) Nothing in this section affects or prevents:

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-End-

March 14, 1975

SENATE COMMITTEE ON JUDICIARY  
AMENDMENTS TO HOUSE BILL NO. 307

That House Bill No. 307, third reading, be amended as follows:

1. Amend page 3, section 2, line 12.  
Following: "federal"  
Insert: "estate"
2. Amend page 3, section 2, line 12.  
Following: "state"  
Insert: "estate and inheritance"
3. Amend page 3, section 2, line 12.  
Following: "taxes"  
Strike: ", "  
Insert: " ; "
4. Amend page 3, section 2, line 12.  
Following: "taxes,"  
Strike: "and debts"
5. Amend page 3, section 2, line 13.  
Following: "taxes"  
Insert: "(d) debts"
6. Amend page 3, section 2, line 13.  
Following: line 13  
Insert: "(e) other federal and Montana state taxes;"  
Reletter: subsequent subsection

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- 15 (D) DEBTS with preference under federal and Montana  
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- 17 (E) OTHER FEDERAL AND MONTANA STATE TAXES;
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