

Probate Rule 10
Alaska Rules of Court

Rule 10. Creditor's Claims

(a) **Presentation.** Claims of creditors against a decedent's estate either must be filed with the probate registrar or clerk in the court in which the estate is being administered, or delivered or mailed to the personal representative of the estate.

(b) **Secured Claims.** A secured creditor who wishes to surrender the security must so notify the personal representative in writing on or before the last day a claim can be filed.

(SCO 1014 effective January 15, 1990)

Alaska Statute 13.16.465

Sec. 13.16.465. Manner of presentation of claims. Claims against a decedent's estate may be presented as follows:

(1) the claimant may deliver or mail to the personal representative a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or may file a written statement of the claim, in the form prescribed by rule, with the clerk of the court; the claim is considered presented on receipt of the written statement of claim by the personal representative or on the filing of the claim with the court, whichever occurs first; if a claim is not yet due, the date when it will become due shall be stated; if the claim is contingent or unliquidated, the nature of the uncertainty shall be stated; if the claim is secured, the security shall be described; failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made;

(2) the claimant may commence a proceeding against the personal representative in any court where the personal representative may be subjected to jurisdiction, to obtain payment of a claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim; no presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of death;

(3) if a claim is presented under (1) of this section, no proceeding on it may be commenced more than 60 days after the personal representative has mailed a notice of disallowance; but, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the 60-day period, or to avoid injustice the court, on petition, may order an extension of the 60-day period, but in no event shall the extension run beyond the applicable statute of limitations (§ 1 ch 78 SLA 1972)

For the time limits within which creditor's claims must be filed, see Alaska Statutes 13.16.455 and 13.16.460.
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