



**H.B. 78**

125th General Assembly  
(As Introduced)

Rep. Skindell

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**BILL SUMMARY**

- Requires the state or any political subdivision of the state to present all claims against an estate within one year after the death of the decedent.
- Requires the state or any political subdivision of the state to present all claims against an estate in the same manner as other creditors.
- Specifies that a claim that is not presented by the state or any political subdivision of the state within one year after the death of the decedent is barred as to all parties.

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**CONTENT AND OPERATION**

*Presentation of creditors' claims*

*Existing law*

Current law requires all creditors having claims against an estate, including claims arising out of contract, out of tort, on cognovit notes, or on judgments, whether due or not due, secured or unsecured, liquidated or unliquidated, to present their claims in one of the following manners (R.C. 2117.06(A)):

- (1) To the executor or administrator in a writing;
- (2) To the executor or administrator in a writing, and to the probate court by filing a copy of the writing with it;
- (3) In a writing that is sent by ordinary mail addressed to the decedent and that is actually received by the executor or administrator within one year after the death of the decedent. If an executor or administrator is not a natural person, the writing is considered as being actually received by the executor or administrator

only if the person charged with the primary responsibility of administering the estate of the decedent actually receives the writing within that one-year period.

All claims must be presented within one year after the death of the decedent, whether or not the estate is released from administration or an executor or administrator is appointed during that one-year period. A claim that is not presented within one year after the death of the decedent is forever barred as to all parties, including, but not limited to devisees, legatees, and distributees. No payment can be made on the claim and no action can be maintained on the claim, except in the instance of a contingent claim. (R.C. 2117.06(B) and (C).)

Any person whose claim has been presented and has not been rejected after the presentment is a creditor. Claims that are contingent need not be presented but may be presented in any of the manners described above. (R.C. 2117.06(H).)

### **Operation of the bill**

Under the bill, Ohio or any of its political subdivisions is required to comply with the existing requirements regarding presenting a claim against an estate. A claim presented by Ohio or any of its political subdivisions must be presented within one year after the death of the decedent and in one of the manners set forth in (1), (2), and (3), above. If a claim is not presented by a creditor, including, but limited to, the state or any political subdivision of the state, within the one-year period, then the claim is barred as to all parties. The state or any of its political subdivisions whose claim has been presented and has not been rejected is a creditor as used in R.C. Chapters 2113. to 2125. (R.C. 2117.06(A), (B), (C), and (H).)

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	02-25-03	p. 167

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