

HOUSE No. 1653

Substituted by the House, on motion of Mr. Casson of Boston, for the Bill relative to the personal liability of executors and administrators to creditors of the estate by reason of the distribution of the assets thereof (Senate, No. 475, amended). May 20.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to the Liability of Executors, Administrators and Administrators de bonis non to Actions by Creditors of Estates.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter one hundred and ninety-seven
2 of the General Laws is hereby amended by striking
3 out section nine and inserting in place thereof the
4 following:—

5 *Section 9.* Except as provided in this chapter, an
6 executor or administrator, after having given due
7 notice of his appointment, shall not be held to answer
8 to an action by a creditor of the deceased which is
9 not commenced within one year from the time of his
10 giving bond for the performance of his trust, or to
11 such an action which is commenced but not entered
12 within said year unless before the expiration thereof
13 the writ in such action has been served by delivery in

14 hand upon such executor or administrator or service
15 thereof accepted by him or a notice stating the name
16 of the estate, the name and address of the creditor,
17 the amount of the claim and the court in which the
18 action has been brought has been filed in the proper
19 registry of probate. An executor, administrator or
20 administrator de bonis non shall not be held to
21 answer to an action by a creditor of the deceased
22 which is commenced but not entered within any other
23 or additional period of limitation for bringing such
24 action provided by or under this chapter unless before
25 the expiration of such period the writ in such action
26 has been served by delivery in hand upon him or
27 service thereof accepted by him or a notice as afore-
28 said has been filed in the proper registry of probate.
29 The probate court may allow creditors further time
30 for bringing actions, not exceeding two years from the
31 time of the giving of his official bond by such executor
32 or administrator, provided that application for such
33 further time be made before the expiration of one
34 year from the time of the approval of the bond.

1 SECTION 2. This act shall become operative Sep-
2 tember first of the current year.

HOUSE OF REPRESENTATIVES, May 20, 1931.

Passed to be engrossed.

Sent up for concurrence.

FRANK E. BRIDGMAN, *Clerk.*

