

By Mr. Melia of Boston, petition of John J. Roddy and John F. Melia relative to the time within which certain actions may be brought against executors and administrators. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

**AN ACT RELATIVE TO THE TIME WITHIN WHICH CERTAIN ACTIONS
MAY BE BROUGHT AGAINST EXECUTORS AND ADMINISTRATORS.**

*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 197 of the General Laws is hereby
2 amended by striking out Section 9, as most recently amended by
3 Chapter 256 of the acts of 1972, and inserting in place thereof
4 the following section: —

5 *Section 9.* Except as provided in this chapter, an executor or
6 administrator shall not be held to answer to an action by a
7 creditor of the deceased which is not commenced within six
8 months from the time of his giving bond for the performance of
9 his trust, or to such an action which is commenced within said
10 six months unless before the expiration thereof the writ in such
11 action has been served by delivery in hand upon such executor or
12 administrator or service thereof accepted by him or a notice
13 stating the name of the estate, the name and address of the
14 creditor, the amount of the claim and the court in which the
15 action has been brought has been filed in the proper registry of
16 probate. An executor, administrator or administrator de bonis
17 non shall not be held to answer to an action by a creditor of the
18 deceased which is commenced within any other or additional
19 period of limitation for bringing such action provided by or
20 under this chapter unless before the expiration of such period the
21 writ in such action has been served by delivery in hand upon him
22 or service thereof accepted by him or a notice as aforesaid has
23 been filed in the proper registry of probate. The probate court

24 may allow creditors further time for bringing actions, not
25 exceeding one year from the time of the giving of his official
26 bond by such executor or administrator, provided that applica-
27 tion for such further time be made before the expiration of six
28 months from the time of the approval of the bond.

1 SECTION 2. This act shall apply only to estates of persons
2 dying on or after January the first, nineteen hundred and
3 seventy-four.