

INFORMATION ABOUT MAKING A CLAIM AGAINST AN ESTATE

IMPORTANT! READ BEFORE USING THIS INFORMATION

ND Legal Self Help Center staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

To protect your rights, carefully read this information and any instructions to which you are referred.

You may go to court without a lawyer, but you will have to abide by the state or federal laws that apply to your civil action, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Rules of Evidence, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov under the Research link.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic procedure for making a claim against an estate with probate proceedings in a North Dakota District Court. If the information does not fit your circumstances, consult a lawyer. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

North Dakota laws related to probating estates are found in [North Dakota Century Code Title 30.1: The Uniform Probate Code](#).

Requirements for creditor claims against estates probated in North Dakota District Court are found in [North Dakota Century Code Chapter 30.1-19](#).

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws apply to your situation.

These instructions apply to the following situation:

1. You have a claim against the estate of decedent with probate proceedings in a North Dakota District Court; and
2. A probate case is filed in a North Dakota District Court.

If the factors above do not apply to your situation, consult a lawyer.

One way to determine whether a probate case is filed in a North Dakota District Court is to search the [North Dakota Courts Records Inquiry](#) by the decedent's first and last name. You may search by part of the decedent's first and last name. Fill in the first three letters of the last name, followed by an asterisk (*), then fill in at least the first letter of the first name, followed by an asterisk (*).

Review Chapter 30.1-19 and make decisions about your situation:

There are requirements for what should be included in a written statement of a claim.

There are time limits for making claims against an estate. There are different time limits for making claims that depend on whether notice to creditors was given, and how notice to creditors was given.

If you decide you meet the requirements to make a claim against an estate:

1. Deliver or mail the written statement of the claim, including the basis for the claim, to the personal representative and any attorney of record for the estate;
OR
File the written statement of the claim, including the basis for the claim, with the clerk of court.
2. The personal representative of the estate will notify you whether your claim is allowed or disallowed.
3. If your claim is disallowed, you will need to decide whether to accept the disallowance of your claim, or petition the court for allowance of the claim.

Attached to these instructions is an example of a form to make a claim against an estate probated in North Dakota District Court.

WRITTEN STATEMENT OF CLAIM AGAINST ESTATE DELIVERED OR MAILED TO PERSONAL REPRESENTATIVE OR FILED WITH COURT. (N.D.C.C. . 30.1-19-04).

Name, Address, and Telephone No. of Attorney

Space below for use of District Court only

Probate No. _____

Attorney _____ for:

IN THE DISTRICT COURT OF _____ COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of _____, Deceased.

CLAIM AGAINST ESTATE

_____, creditor of the estate of _____, deceased, hereby states that said estate is indebted to said creditor in the amount of \$_____ for:

Dated this _____ day of _____, _____.

Claimant

Address