

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 615**

**Representative West**

---

**A BILL**

To amend section 2117.06 of the Revised Code to  
require creditors, prior to collecting the debt  
of a decedent outside of probate, to explicitly  
inform the person from whom payment is sought  
that the person is under no obligation to pay  
the debt. 1 2 3 4 5 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2117.06 of the Revised Code be  
amended to read as follows: 7 8

**Sec. 2117.06.** (A) 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, shall present  
their claims in one of the following manners: 9 10 11 12 13

(1) After the appointment of an executor or administrator  
and prior to the filing of a final account or a certificate of  
termination, in one of the following manners: 14 15 16

(a) To the executor or administrator in a writing; 17

(b) To the executor or administrator in a writing, and to 18

the probate court by filing a copy of the writing with it; 19

(c) In a writing that is sent by ordinary mail addressed 20  
to the decedent and that is actually received by the executor or 21  
administrator within the appropriate time specified in division 22  
(B) of this section. For purposes of this division, if an 23  
executor or administrator is not a natural person, the writing 24  
shall be considered as being actually received by the executor 25  
or administrator only if the person charged with the primary 26  
responsibility of administering the estate of the decedent 27  
actually receives the writing within the appropriate time 28  
specified in division (B) of this section. 29

(2) If the final account or certificate of termination has 30  
been filed, in a writing to those distributees of the decedent's 31  
estate who may share liability for the payment of the claim. 32

(B) Except as provided in section 2117.061 of the Revised 33  
Code, all claims shall be presented within six months after the 34  
death of the decedent, whether or not the estate is released 35  
from administration or an executor or administrator is appointed 36  
during that six-month period. Every claim presented shall set 37  
forth the claimant's address. 38

(C) Except as provided in section 2117.061 of the Revised 39  
Code, a claim that is not presented within six months after the 40  
death of the decedent shall be forever barred as to all parties, 41  
including, but not limited to, devisees, legatees, and 42  
distributees. No payment shall be made on the claim and no 43  
action shall be maintained on the claim, except as otherwise 44  
provided in sections 2117.37 to 2117.42 of the Revised Code with 45  
reference to contingent claims. 46

(D) In the absence of any prior demand for allowance, the 47

executor or administrator shall allow or reject all claims, 48  
except tax assessment claims, within thirty days after their 49  
presentation, provided that failure of the executor or 50  
administrator to allow or reject within that time shall not 51  
prevent the executor or administrator from doing so after that 52  
time and shall not prejudice the rights of any claimant. Upon 53  
the allowance of a claim, the executor or the administrator, on 54  
demand of the creditor, shall furnish the creditor with a 55  
written statement or memorandum of the fact and date of the 56  
allowance. 57

(E) If the executor or administrator has actual knowledge 58  
of a pending action commenced against the decedent prior to the 59  
decedent's death in a court of record in this state, the 60  
executor or administrator shall file a notice of the appointment 61  
of the executor or administrator in the pending action within 62  
ten days after acquiring that knowledge. If the administrator or 63  
executor is not a natural person, actual knowledge of a pending 64  
suit against the decedent shall be limited to the actual 65  
knowledge of the person charged with the primary responsibility 66  
of administering the estate of the decedent. Failure to file the 67  
notice within the ten-day period does not extend the claim 68  
period established by this section. 69

(F) This section applies to any person who is required to 70  
give written notice to the executor or administrator of a motion 71  
or application to revive an action pending against the decedent 72  
at the date of the death of the decedent. 73

(G) Nothing in this section or in section 2117.07 of the 74  
Revised Code shall be construed to reduce the periods of 75  
limitation or periods prior to repose in section 2125.02 or 76  
Chapter 2305. of the Revised Code, provided that no portion of 77

any recovery on a claim brought pursuant to that section or any 78  
section in that chapter shall come from the assets of an estate 79  
unless the claim has been presented against the estate in 80  
accordance with Chapter 2117. of the Revised Code. 81

(H) Any person whose claim has been presented and has not 82  
been rejected after presentment is a creditor as that term is 83  
used in Chapters 2113. to 2125. of the Revised Code. Claims that 84  
are contingent need not be presented except as provided in 85  
sections 2117.37 to 2117.42 of the Revised Code, but, whether 86  
presented pursuant to those sections or this section, contingent 87  
claims may be presented in any of the manners described in 88  
division (A) of this section. 89

(I) If a creditor presents a claim against an estate in 90  
accordance with division (A) (1) (b) of this section, the probate 91  
court shall not close the administration of the estate until 92  
that claim is allowed or rejected. 93

(J) The probate court shall not require an executor or 94  
administrator to make and return into the court a schedule of 95  
claims against the estate. 96

(K) If the executor or administrator makes a distribution 97  
of the assets of the estate pursuant to section 2113.53 of the 98  
Revised Code and prior to the expiration of the time for the 99  
presentation of claims as set forth in this section, the 100  
executor or administrator shall provide notice on the account 101  
delivered to each distributee that the distributee may be liable 102  
to the estate if a claim is presented prior to the filing of the 103  
final account and may be liable to the claimant if the claim is 104  
presented after the filing of the final account up to the value 105  
of the distribution and may be required to return all or any 106  
part of the value of the distribution if a valid claim is 107

subsequently made against the estate within the time permitted 108  
under this section. 109

(L) If a creditor having a claim described in division (A) 110  
of this section attempts to collect on the claim from an 111  
individual rather than from the estate and if the individual is 112  
not under any obligation to pay the debt, the creditor shall 113  
reasonably inform the individual that the individual is not 114  
under an obligation to pay the debt. Failure to so reasonably 115  
inform the individual is deemed an unconscionable act or 116  
practice in connection with a consumer transaction in violation 117  
of section 1345.031 of the Revised Code and subjects the 118  
creditor to the remedies described in section 1345.07 of the 119  
Revised Code. 120

**Section 2.** That existing section 2117.06 of the Revised 121  
Code is hereby repealed. 122