

## FILINGS

1. SPF 7.0: Notice to Administrator of Medicaid Estate Recovery Program
2. SPF 7.0(A): Certificate of Notice to Administrator of Medicaid Estate Recovery Program
3. SPF 24.0: Representation of Involency
4. SPF 24.1: Judgment Entry Setting Hearing and Ordering Notice
5. SPF 24.2: Notice of Hearing on Representation of Insolvency and Schedule of Claims
6. SPF 24.3: Verification of Service Notice of Hearing upon Representation of Insolvency and Schedule of Claims
7. SPF 24.4: Insolvency Schedule of Claims
8. SPF 24.6: Judgment Entry of Insolvency

## PRESENTMENT [R.C. 2117.06]

1. To the fiduciary after appointment and before filing of the final account [R.C. 2117.06 (A) (1)]. A copy may be filed with the probate court. [2117.06(A)(1)(b)]
2. Most claims are subject to presentment within six months of decedent's death [R.C. 2117.06 (B)]
3. Medicaid Estate Recovery claims are due to be presented within ninety days of service of SPF 7.0 or one year after decedent's death, whichever is later. SPF 7.0(A) is to be filed with the court to verify service of notice on the administrator of the Medicaid Estate Recovery Program [R.C. 2117.061]
4. The probate court may not close the administration of an estate until claims filed with the court are resolved. [R.C. 2117.06 (I)]

## ALLOWANCE/REJECTION [R.C.2117.06 (D) and 2117.11]

1. Fiduciary may require authentication of claim. [R.C. 2117.08]
2. Fiduciary may reject a claim in whole or in part with notice to creditor pursuant to Civ.R. 73. Notice by mail effective upon delivery of mail.

- a. If a claim has been filed with the court the fiduciary shall file a copy of a rejection of the claim with the court. [Sup.R 62 (A)]
3. An heir may file to request that the fiduciary be required to reject a creditor's claim. A bond may be required. Upon posting of the required bond, the fiduciary shall reject the claim. [R.C. 2117.13]
4. The creditor has two months from the rejection of a claim to file suit or the claim is barred. [R.C. 2117.12]

## COMPROMISE [R.C. 2117.05]

Court may approve the compromise and settlement of a claim after hearing and notice to persons who would be adversely affected.

## FIDUCIARY [R.C. 2117.01 and 2117.02]

1. Fiduciary must file claim with the court within three months of appointment.
2. Hearing required for claim of \$500.00 or more. Fiduciary is to serve notice of hearing, 20 days prior to hearing, on all heirs and creditors ordered by the court.
3. An appeal may be filed of any final order or judgment. [R.C. 2117.04]

## INSOLVENT ESTATE [R.C. 2117.15, 2117.17, and 2117.25]

1. Fiduciary may file representation of insolvency if it appears the estate is insolvent. [R.C. 2117.15] (SPF 24.0)
2. The court after notice and hearing that the estate is insolvent and approve the actions of the fiduciary to accept and reject and to assign a priority of the payment. [R.C. 2117.17] See SPF 24.0, SPF 24.1, SPF 24.2, SPF 24.3, SPF 24.4, SPF 24.5 and SPF 24.6.
3. Priority for payment of claims is set forth in [R.C. 2117.25].

## OTHER CONSIDERATIONS

1. Contingent Claims [R.C. 2117.37]
2. Claims Against Co-Debtors [R.C. 2117.42]

