

In re Estate of Orrukem, 14 ROP 194 (Tr. Div.)(2006)
**IN THE MATTER OF THE ESTATE OF SILAS ORRUKEM,
Deceased.**

CIVIL ACTION NO. 05-229

Supreme Court, Trial Division
Republic of Palau

Decided: September 8, 2006

[counsel names not listed]

LARRY W. MILLER, Associate Justice:

This matter is before the Court on the Estate's motion to strike as untimely the claim filed by PIDC on July 27, 2006. The motion raises a question that has been lingering but that, as far as the Court is aware, has not been addressed in any previous decision: Is a claim against an estate barred if not filed within the time period set in the public notice approved by the Court, or may it still be brought within the time period provided by 14 PNC § 404?¹ The estate argues that Section 404 "prescribes the outer time limit for filing claims . . . [but] does not prevent the Court from prescribing a [shorter] limit for claims against the estate" PIDC counters that "[b]ecause there exists a statute which prescribes a time limit within which to file claims, a court may not impose a different time period for filing claims absent statutory authorization." Neither position is unreasonable, but neither is supported by any citation to authority.

The Court's own research has uncovered little, but what little it has found tilts in favor of PIDC's position. First, there is authority for the proposition that "a court may not extend the time for filing a claim" absent statutory authorization. 31 AM. JUR. 2D Executors and Administrators §606 (2002) (emphasis added). Why then should the Court not need similar authority to shorten the time? Second, it appears that the Uniform Probate Code provides explicitly that claims against an estate are barred "unless presented within the earlier of one year after the decedent's death, or within four months after published notice to creditors." Executors and Administrator, supra §601. It would be nice to have such a statute to expedite the closing of estates (of course, it would be nice to have a probate code altogether), but that is not the statute currently on the books. Because PIDC has complied with the statute that is in effect, the Court concludes that the motion to strike **L195** should be denied. The estate should accordingly state its position on that claim within the next twenty days.

In the meantime, if any of the original claimants are still reading, they should note that in response to the Court's direction that the executor "file an inventory and proposed distribution of

¹Section 404 provides that "any action by or against the executor, administrator, or other representative of a deceased person for a cause of action in favor of, or against, the deceased shall be brought only within two years after the executor, administrator, or other representative is appointed or first takes possession of the assets of the deceased." In this case, Naemi O. Cooke was appointed Executor (or Executrix) on October 19, 2005.

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the estate,” (Order, May 8, 2006) (emphasis added), the executor went ahead and executed a Deed of Conveyance in accordance with decedent’s will. No objections to that Deed having been filed,² it is hereby approved subject only to the disposition of PIDC’s claim.

So ordered this 8th day of September, 2006.

²The executor also reported that Darlene Orrukem, the beneficiary of decedent’s will, would pay the Republic of Palau’s claim within 30 days, which have since passed without complaint.