

MAINE STATE LEGISLATURE

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CHAPTER 405
COMMISSIONERS

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§ 3101. Appointment; report

When it appears to the administrator that an estate may be insufficient to pay the debts of the 5th class, on his application to the judge of probate the judge shall appoint 2 or more commissioners to receive and decide upon all unpreferred claims against the estate, except those of the administrator. They shall first be sworn, and shall make report to the court of all claims presented, and of their disposal, with the sum allowed on each claim. The judge may, for sufficient cause, revoke such appointment and issue a new commission or proceed otherwise as the case may require.

R.S.1954, c. 157, § 3.

§ 3102. Meetings and notice; time allowed for proof of claims; death of commissioner

The commissioners shall appoint convenient times and places for their meetings and give notice thereof as the judge directs. Six months after their appointment shall be allowed in the first instance for the presentation of claims. An additional time, not exceeding in the whole 18 months, may be allowed therefor or for any particular claim or claims specified in the judge's order. If one or more of the commissioners die, after the expiration of the 18 months and before the commission is returned, the judge may appoint new commissioners and allow an additional time not exceeding 3 months for the presentation of claims.

R.S.1954, c. 157, § 4.

§ 3103. Presentation and proof of claims

Claims must be presented in writing supported by affidavit of the claimant or of some person cognizant thereof, stating what security the claimant has, if any, and the amount of credit to be given according to his best knowledge and belief. The commissioners may require a claimant to be sworn and may examine him on all matters relating to his claim, and administer oaths to claimants and witnesses. Any claim filed in the registry of probate supported by affidavit as provided in section 2402 shall be considered as if presented to said commissioners, provided the same is so filed before the expiration of the 6 months' period named in section 3102. Before making their report said commissioners shall adjudicate upon all claims so filed.

R.S.1954, c. 157, § 5.

§ 3104. Refusal or perjury by claimant

If the claimant refuses to submit to such examination, his claim shall be rejected. If he or a witness knowingly answers or testifies falsely in relation to any claim, he is guilty of perjury.

R.S.1954, c. 157, § 6.

§ 3105. Value of claimant's security deducted; appraisal

When a claimant holds security for his claim of less value than its amount, he shall be allowed only the difference between it and such value, estimated by the commissioners, who shall give him a certificate thereof. If either party is dissatisfied with that valuation, the judge, on application and after notice to the other party, may appoint 3 disinterested men to appraise on oath such security and make return thereof, by them signed, to the court. Their appraisal shall be substituted for the first, and the amount allowed varied accordingly. If the claimant declines to take the property at such appraisal and relinquishes his claim thereon, its appraised value shall be added by the judge to the sum allowed on which he is to receive his dividend and the property appraised shall be disposed of by the administrator.

R.S.1954, c. 157, § 7.

§ 3106. Interest on claims; report recommitted; claim of administrator

Interest shall be computed on claims allowed from the death of the debtor to the time of the commissioners' first report, unless the contract otherwise provides. At the expiration of the time limited, the commissioners shall make their report to the judge who, before ordering distribution, may recommit it for the correction of any error appearing to him to exist. Their fees shall be paid by the administrator. Any claim which he has against the estate shall be examined and allowed by the judge and by him annexed to the list of claims, and a proportional dividend decreed to him.

R.S.1954, c. 157, § 8.

§ 3107. Forfeit of compensation for neglect of duty

Commissioners of insolvency who neglect to render their report to the judge for 3 months after the expiration of the time allowed them for receiving claims forfeit all compensation for their services and may be cited by the judge to show cause for their negligence.

R.S.1954, c. 157, § 9.