

633A.3109 Limitation on creditor rights against revocable trust assets after settlor's death.

1. If notice is published or given as provided in section 633A.3110 within one year of the settlor's death, any claim against the trust assets will be forever barred unless the creditor files a claim as provided for and within the period specified in the notice.

2. If notice is not published or given, a creditor of a deceased settlor of a revocable trust must bring suit to enforce its claim against the assets of the decedent's trust within one year of the decedent's death or be forever barred from collecting against the trust assets. The one-year limitation period shall not be extended by the commencement of probate administration for the settlor.

3. The notice under sections 633.230 and 633.304 in probate of the settlor's estate does not affect a creditor's claim under this section.

99 Acts, ch 125, §33, 109; 2000 Acts, ch 1150, §18

C2001, §633.3109

2002 Acts, ch 1119, §101; 2005 Acts, ch 38, §54, 55

CS2005, §633A.3109

2006 Acts, ch 1104, §8, 16; 2012 Acts, ch 1123, §20, 32

Referred to in §633A.3104, 633A.3110

[SP] 2012 amendment to this section applies to trusts of settlors dying on or after July 1, 2012; 2012 Acts, ch 1123, §32