

## **INSTRUCTIONS FOR FILLING OUT FORM**

**PURPOSE.** This form is required to give notice to creditors whose claim against the estate has been rejected by the Administration.

**FORMS INVOLVED.** The form is a **Notice of Rejected Claim** which is required to be filed with the Court and a copy sent to the Creditor whose claim has been rejected by certified mail. You will need to fill in the necessary information with help from the instructions below.

**Allowance or Rejection of Claims.** Any claim not presented to the Administrator within 90 days after the notice was first posted are not barred but cannot be paid until the claims that were presented to the Administrator within the 90 days after the notice was first posted have been paid. A claim against the estate is not barred and can be presented to the Administrator and paid out of any assets available in the estate that has not been already been allocated until a final account is filed. Once a final account is filed by the Administrator, any claims against the estate are time barred (meaning the Court will not allow such claims presented after the final account is filed).

The Administrator will be required to examine, date and endorse with the words “examined and allows” if the Administrator is satisfied that the claim is just or endorsed with the words “examined and rejected” if the Administrator is not satisfied the claim is just. If a claim is allowed it will be paid in the course of the administration of the estate. If a claim is rejected the Administrator must file notice with the Court that the claim has been rejected and serve a copy on claimant by certified mail. The claim will be deemed rejected if the Administrator fails to allow or reject a claim within 60 days after receipt of the claim.

**Hearing on Rejected Claim.** A claimant whose claim has been rejected can request a hearing on the rejected claim by filing a petition with the Court. The claimant is required to file their petition on the rejected claim within 30 days after the has been rejected or is deemed rejected if the Administrator fails to allow or reject the claim within 60 days after the claim was received by the Administrator. If the petition is not filed within 30 days after the claim has been rejected or is deemed rejected will be barred (meaning the Court will not entertain or hear the petition not timely filed).

A hearing on a rejected claim will be a in the nature of a civil court proceeding where the rules of evidence will apply and the parties can subpoena witnesses to testify and produce documents for the Court to consider on the rejected claim(s). The claimant that petitions for a hearing has the initial burden of convincing the Court that their claim is just at which point the Administrator will have the burden of convincing the Court the claim is not just.

**INSTRUCTIONS FOR FILLING OUT THE FORM.** To fill out this form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form. You can print this page in its entirety or you can scroll down to the form. There will be a blank screen between these instructions and the form and between the form so keep scrolling or just copy this page in its entirety.

Instructions for filling out the notice of rejected claim:

(1) on this line insert the name of the decedent.

(2) on this line insert the name of the claimant.

(3) on this line insert the amount of the claim submitted by the claimant.

(4) on this line insert the day.

(5) on this line insert the month.

(6) on this line insert the year.

(7) on this line insert your name by signing.

ROSEBUD SIOUX TRIBAL COURT )  
ROSEBUD INDIAN RESERVATION )SS  
ROSEBUD, SOUTH DAKOTA )

IN CIVIL COURT

<p>IN RE THE ESTATE OF:</p> <p>(1) _____ _____,</p> <p style="text-align: center;">Decedent.</p>	<p>DOCKET _____</p> <p style="text-align: center;">NOTICE TO CREDITOR OF REJECTED CLAIM</p>
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1. Notice is hereby given that the attached claim of creditor (2) \_\_\_\_\_  
\_\_\_\_\_ for (3)\$ \_\_\_\_\_ was rejected by the Administrator  
of the decedent's estate.

3. Claimant (2) \_\_\_\_\_ is further notified  
that it has within 30 days after the claim has been rejected or is deemed rejected if the  
Administrator fails to allow or reject the claim within 60 days after the claim is received by the  
Administrator.

4. The Administrator sent a copy of this Notice to the Claimant by certified mail.

Dated this (4) \_\_\_\_\_ day of (5) \_\_\_\_\_, (6) \_\_\_\_\_.

(7) \_\_\_\_\_  
Administrator of Decedent's Estate