§ 625. Effect of accepting claims and accounts; limitation upon actions to establish claims and accounts; necessary allegations; effect of judgment. 1. When the superintendent has accepted a duly filed claim and has filed such claim endorsed "accepted" in his office, the claimant, unless priority of payment has been duly demanded, and such claim is entitled by law to priority of payment, shall be entitled to share ratably with other general creditors in the distribution of the proceeds of the liquidation of the assets of such banking organization as such proceeds are distributed pursuant to section six hundred twenty-seven of this article, provided, however, that any accepted claim or claims for taxes owed to any taxing authority shall be paid in full, to the extent that assets of the banking organization are available, prior to the payment of any other accepted claim. Where the claimant has duly demanded priority of payment, and such claim is entitled by law to priority of payment, the receipt and acceptance of ratable dividends shall be without prejudice to the right to such priority of payment.

2. When the superintendent has accepted an account payable as shown by the books and records and as to which no claim has been presented and included the same in the list filed in his office as provided in section six hundred twenty-four of this article, the owner thereof shall be entitled to share ratably with other general creditors in the distribution of the proceeds of the liquidation of the assets of such banking organization as such proceeds are distributed pursuant to section six hundred twenty-seven of this article.

3. Within six months after the date that the superintendent files the list required by subdivision four of section six hundred twenty-four of this article listing the claims and accounts payable accepted or rejected by the superintendent, a claimant whose claim has been duly filed and has not been accepted by the superintendent, or any person whose account payable as shown by the books and records, as to which no claim has been presented, has not been accepted by the superintendent, may institute and maintain an action thereon against such banking organization. Such action may be maintained only in the supreme court in the judicial district in which the principal office of such banking organization was located.

4. No action shall be maintained against such banking organization while the superintendent is in possession of its affairs and business unless brought within the period of limitation specified in this section. In all actions instituted against such banking organization while the superintendent is in possession of its property and business, the plaintiff shall be required to allege and prove that the claim upon which the action is instituted was duly filed and that such claim has not been accepted, or in the case of an action upon an account as to which no claim has been presented the plaintiff shall be required to allege and prove that such account appeared upon the books and records and that such account has not been accepted.

5. If, in an action instituted in accordance with this section, the court should determine that a claim or account rejected by the superintendent should be allowed, the judgment entered therein shall so provide and shall fix and determine the amount thereof as of the date the superintendent took possession. A claim or account whose status and amount have been so fixed shall have the same force and effect as a claim or account which has been accepted by the superintendent in accordance with the provisions of section six hundred twenty-four of this article. Notwithstanding any other provision of law, the court shall not award interest, nor shall interest accrue, in any such action at a rate greater than the amount rate of interest, if any, that the superintendent has determined is payable to other creditors; provided further that the court shall not award interest, nor shall interest accrue, except from the date from which the superintendent has determined to pay interest to creditors whose claims or accounts payable have been accepted or otherwise duly established to the date such claims or accounts are paid; provided, however, that the court may in its discretion award interest at a rate not to exceed the rate permitted by section six hundred twenty-seven of this article on any such judgment for the claimant in any such action for the period from the date such claim would have been paid had it been accepted initially by the superintendent to the date such judgment is paid.