§ 1808. Effect of rejection of claim by fiduciary

1. Except as otherwise provided in 1810, whenever a fiduciary rejects a claim in whole or in part all issues relating to the validity and enforceability of the claim shall be tried and determined upon the judicial settlement of his account.

2. The account of the fiduciary shall list all claims rejected by him in whole or in part and the reason for their rejection.

3. Service of the notice required by 1806 shall be completed prior to the filing of any account reporting a rejected claim.

4. Any claimant adversely affected may within 8 days from the return of process serve and file objections to the account together with a copy of his notice of claim and any supporting affidavit filed with the fiduciary. If the fiduciary shall raise any affirmative defense to the claim that is not set forth in his account, he shall within 5 days from the service upon him of a copy of the objections serve and file a reply to the objections setting forth the affirmative defense. Any person whose interests in the estate may be adversely affected by the allowance of the claim may within 8 days from the filing of objections by a claimant serve and file a reply to the objections setting forth any defense to the claim not set forth in the account.

5. Where one whose claim has been rejected by the fiduciary has petitioned for a compulsory judicial settlement of his account the fiduciary may in his answer to the petition show the condition of the estate and all facts relating to the rejection of the claim and pray for a judicial determination of the validity and enforceability of the claim as a preliminary step in the accounting proceeding. The court may thereupon determine the claim and all issues relating thereto and make such direction for its payment as justice shall require.

6. With respect to any limitation of time within which an action or proceeding may be brought and with respect to examinations before trial, bills of particulars and disclosure generally, the presentation of a

claim as provided in 1803 shall be deemed the institution of a special proceeding for the collection of the claim.