§ 1809. Proceeding to determine validity and enforceability of claims

1. Whenever a fiduciary has knowledge or notice that a claim may be asserted and no written notice of claim has been presented to him or if a fiduciary has reason to question the validity of any claim, whether such notice has been presented to him or not, and no action or proceeding to enforce the claim has been instituted, the fiduciary may present a petition to the court showing the facts and praying that the claimant or possible claimant be required to show cause why his claim, if any, should not be disallowed. Similarly, any claimant whose claim is made in compliance with 1803, and whose claim has not been allowed in whole pursuant to 1806 may petition the court showing the facts and praying that the fiduciary be required to show cause why the claim should not be allowed.

2. If the petition be entertained process shall issue to the claimant or possible claimant or fiduciary, as the case may be, and, whenever the claim sought is in excess of ten thousand dollars or constitutes twenty-five percent or more of the estimated gross probate estate, whichever is the lesser, to any person whose rights or interests will be affected by allowance of the claim and the person cited may within 8 days from the return day, serve and file an answer. The answer, if filed by the claimant, shall be accompanied by a copy of any notice of claim, supporting affidavit or other evidence of the claim, if any, filed with the fiduciary. If the fiduciary deems it necessary he may, within 5 days from the service upon him of a copy of the answer, serve and file a reply thereto. The claimant may also file a reply to an answer served by the fiduciary.

3. The court may determine the claim and all issues relating thereto as a preliminary step in the accounting proceeding and make such direction as justice shall require.