

does is to establish that they did not receive proper notice. If they do this, during the three years that they would have the right to do so, and by the way, if you're a business and you haven't gotten a payment in three years, it's up to you to go out and check who you are doing business with, why they're a deadbeat for three years. And deadbeat in this case, I suppose, is a very operatable term. Three years is long enough to find out that the person who is supposed to pay the money isn't there and they're not paying their money and ask why. Their obligation then is to interrupt the probate process by making a claim for the money to...

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...the personal representative or, in addition, to the court, if necessary, and that window of opportunity, if they haven't been given notice, is three years. If they have been given that notice, is two months. The personal representative's function or task is to do the fiduciary duty to the estate, not to the creditor, but if they don't do their job, the creditor has this three years to later come back in and attack them in court and there's not a direct sanction in the form of, what, an administrative fine, some kind of penalty. We assume that the personal representative is doing their job and they have good reason to do their job. In the event a personal representative was not doing their job, the sanction would come from the court for failing to do their fiduciary duty and that would be the foregoing of any fees that they might get or whatever other discipline the court might apply.

SPEAKER BAACK: Time.

SENATOR LANDIS: But there isn't a statutory form of discipline.

SPEAKER BAACK: Further discussion? Senator Warner.

SENATOR WARNER: Senator Landis, one additional question. The personal representative then would have satisfied the requirements that had the (inaudible) gone through the files and found all unpaid bills, contracts, whatever was available to them and in the absence of any indication in the files, their responsibility would not extend to any possible financial obligation for which there was no record in the individual's estates records?