

Effective 5/7/2025

75-3-104 Claims against decedent -- Necessity of administration -- Exclusions.

- (1)
 - (a) No proceeding to enforce a claim against the estate of a decedent or his successors may be revived or commenced before the appointment of a personal representative.
 - (b) After the appointment and until distribution, all proceedings and actions to enforce a claim against the estate are governed by the procedure prescribed by this Chapter 3, Probate of Wills and Administration.
- (2) After distribution a creditor whose claim has not been barred may recover from the distributees as provided in Section 75-3-1004 or from a former personal representative individually liable as provided in Section 75-3-1005.
- (3) This section has no application to a proceeding by a secured creditor of the decedent to enforce his right to his security except as to any deficiency judgment which might be sought therein.
- (4)
 - (a) For purposes of this chapter, a lien or right to recover described in Section 26B-3-1013 is not a claim.
 - (b) Nothing in this chapter limits the Department of Health and Human Services' right to recovery under Section 26B-3-1013.

Amended by Chapter 59, 2025 General Session