

75-3-806 Allowance of claims.

- (1) As to claims presented in the manner described in Section 75-3-804 and within the time limit prescribed in Section 75-3-803, the personal representative may mail a notice to any claimant stating that the claim has been allowed or disallowed. If, after allowing or disallowing a claim, the personal representative changes the decision concerning the claim, the personal representative shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to file a petition for allowance or to commence a proceeding on the claim has expired and the claim has been barred. If the notice of disallowance warns the claimant of the impending bar, a claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed, unless the claimant seeks a court ordered allowance by filing a petition for allowance in the court or by commencing a proceeding against the personal representative not later than 60 days after the mailing of the notice of disallowance or partial allowance. If the personal representative fails to mail notice to a claimant of action on the claim within 60 days after the time for original presentation of the claim has expired, this failure has the effect of a notice of allowance.
- (2) Upon the petition of the personal representative or a claimant in a proceeding for this purpose, the court may order any claim presented to the personal representative or filed with the clerk of the court in a timely manner and not barred by Subsection (1) to be allowed in whole or in part. Notice of this proceeding shall be given to the claimant, the personal representative, and those other persons interested in the estate as the court may direct by order at the time the proceeding is commenced.
- (3) A judgment in a proceeding in another court against a personal representative to enforce a claim against a decedent's estate is a court ordered allowance of the claim.
- (4) Unless otherwise provided in any judgment in another court entered against the personal representative, allowed claims bear interest at the legal rate for the period commencing six months after the decedent's date of death unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision.

Amended by Chapter 179, 1992 General Session