

8-107. ALLOWANCE OF CLAIM.

(A) BY THE PERSONAL REPRESENTATIVE.

IF A PERSONAL REPRESENTATIVE INTENDS TO DISALLOW, IN WHOLE OR IN PART, A CLAIM THAT HAS BEEN PRESENTED WITHIN THE APPROPRIATE TIME AND IN THE FORM PRESCRIBED IN §8-104 (A) AND (B), HE SHALL MAIL NOTICE TO EACH CLAIMANT STATING:

(1) THAT THE CLAIM HAS BEEN DISALLOWED IN WHOLE OR IN A STATED AMOUNT; OR

(2) THAT THE PERSONAL REPRESENTATIVE WILL PETITION THE COURT TO DETERMINE WHETHER THE CLAIM SHOULD BE ALLOWED.

(B) DISALLOWANCE OF CLAIM.

IF THE CLAIM IS DISALLOWED IN WHOLE OR IN A STATED AMOUNT, THE CLAIMANT IS FOREVER BARRED TO THE EXTENT OF THE DISALLOWANCE UNLESS HE FILES A PETITION FOR ALLOWANCE IN THE COURT OR COMMENCES AN ACTION AGAINST THE PERSONAL REPRESENTATIVE OR AGAINST ONE OR MORE OF THE PERSONS TO WHOM PROPERLY HAS BEEN DISTRIBUTED. THE ACTION SHALL BE COMMENCED WITHIN 60 DAYS AFTER THE MAILING OF NOTICE BY THE PERSONAL REPRESENTATIVE. THE NOTICE SHALL WARN THE CLAIMANT CONCERNING THE TIME LIMITATION.

(C) BY THE COURT.

IF NO ACTION IS TAKEN BY THE PERSONAL REPRESENTATIVE DISALLOWING A CLAIM IN WHOLE OR IN PART UNDER SUBSECTION (A), UPON THE PETITION OF THE PERSONAL REPRESENTATIVE OR A CLAIMANT, THE COURT SHALL ALLOW OR DISALLOW IN WHOLE OR IN PART A CLAIM OR CLAIMS PRESENTED TO THE PERSONAL REPRESENTATIVE OR FILED WITH THE REGISTER IN DUE TIME AND NOT BARRED BY SUBSECTION (A) OF THIS SECTION. NOTICE IN THIS PROCEEDING SHALL BE GIVEN TO THE CLAIMANT, THE PERSONAL REPRESENTATIVE, AND INTERESTED PERSONS AS THE COURT DIRECTS BY ORDER ENTERED AT THE TIME THE PROCEEDING IS COMMENCED.

(D) IN AN ACTION AGAINST THE PERSONAL REPRESENTATIVE.

A JUDGMENT IN AN ACTION AGAINST A PERSONAL REPRESENTATIVE TO ENFORCE A CLAIM AGAINST THE ESTATE OF A DECEDENT IS AN ALLOWANCE OF THE CLAIM.

REVISOR'S NOTE: This section presently appears as Art. 93, §8-107. A subsection is added for organizational purposes. The only other changes are in language and style.