

396.055 Allowance or disallowance of claims -- Notice -- Effect.

- (1) As to claims presented in the manner described in KRS 396.015 within the time limit prescribed in KRS 396.011, 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 his decision concerning the claim, he shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to commence an action on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant commences an action against the personal representative not later than sixty (60) days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail notice to a claimant of action on his claim for sixty (60) days after the time for original presentation of the claim has expired has the effect of a notice of allowance, except that upon petition of the personal representative and upon notice to the claimant, the court at any time before payment of such claim may for cause shown permit the personal representative to disallow such claim.
- (2) A judgment against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim.
- (3) In the case of a disallowance of a claim which has not matured or which is contingent or unliquidated, the personal representative may consent to an extension of the sixty (60) day period imposed by subsection (1) of this section for the commencement of an action on a disallowed claim, or to avoid injustice, the court, on petition, may order an extension of the sixty (60) day period, but in no event shall the extension run beyond the applicable statute of limitations.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 90, sec. 11, effective July 15, 1988.