

OR DAMAGE TO PROPERTY which was commenced against the decedent, if the decedent had been duly served with process before his death.

8-104. *Manner of presentation of claim; form.*

Claims against a decedent's estate may be presented in the following manners:

(a) *To the personal representative. The claimant may deliver or mail to the personal representative a verified written statement of the claim indicating its basis, the name and address of the claimant and the amount claimed. If the claim is not yet due, the date when it will become due shall be stated. If the claim is contingent, the nature of the contingency shall be stated. If the claim is secured, the security shall be described. The failure of the claimant to comply with the foregoing or with the personal representative's reasonable requests for additional information may be, in the discretion of the court, a basis for disallowance of a claim.*

(b) *Filing with Register. The claimant may file a verified written statement of the claim, substantially in the following form, with the Register and deliver or mail a copy of the statement to the personal representative:*

CLAIM AGAINST DECEDENT'S ESTATE

The below-named creditor certifies that there is due and owing by, deceased, in accordance with the statement of account attached hereto as a part hereof the sum of, together with interest at the rate of from until paid, and that the aforesaid account is correct as stated and is unpaid.

On behalf of the below-named creditor, I do solemnly declare and affirm under the penalties of perjury that the information and representations made in the foregoing claim, and the aforesaid account are true and correct according to my knowledge, information and belief.

.....
(Name of Creditor)

.....
(Signature of creditor or person
authorized to make verification
on behalf of creditor)

(c) *Commencement of suit. With respect to any cause which survives death, the claimant may, without filing a claim under subsections (a) or (b), commence an action against the estate or against any person to whom property has been distributed for payment of his claim against the estate or against any such person, but the commencement of the action must occur within the time limited for the filing of claims, except that an action for injury to the person may be commenced within six months after the date of the first published notice to creditors. Notwithstanding the foregoing, any such action against the estate may be instituted after the expiration of the time above designated but within the period of limitations generally applicable to such actions in the event the decedent was covered by an existing insurance policy at the time of the occurrence, the existence of such insurance coverage not being admissible at the trial of the case and the recovery, in the event of a judgment against the*