

1 AN ACT relating to decedents' estates.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 396 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Upon the appointment of a personal representative, the clerk of the probate court*  
6 *shall publish notice to creditors as provided in KRS 424.340. The notice shall*  
7 *state that creditors must present their claims within six (6) months after the*  
8 *appointment of the personal representative or be forever barred.*

9 *(2) A personal representative may give actual notice in writing by mail or other*  
10 *delivery to a creditor, notifying the creditor to present his or her claim within*  
11 *sixty (60) days after the mailing or other delivery of the notice or be forever*  
12 *barred.*

13 *(3) The personal representative is not liable to a creditor or to a successor of the*  
14 *decedent for giving or failing to give notice under subsection (2) of this section.*

15 ➔Section 2. KRS 396.011 is amended to read as follows:

16 (1) All claims against a decedent's estate which arose before the death of the decedent,  
17 excluding claims of the United States, the State of Kentucky and any subdivision  
18 thereof, whether due or to become due, absolute or contingent, liquidated or  
19 unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by  
20 other statute of limitations, are barred against the estate, the personal representative,  
21 and the heirs and devisees of the decedent, unless presented *prior to the earlier of:*

22 *(a) Eight (8) months after the decedent's death; or*

23 *(b) 1. For creditors who are given actual notice, the expiration of the time*  
24 *provided by subsection (2) of Section 1 of this Act; and*

25 *2. For creditors who do not receive actual notice, the expiration of the*  
26 *time provided by subsection (1) of Section 1 of this Act* ~~*within six (6)*~~  
27  ~~*months after the appointment of the personal representative, or where no*~~

1                   ~~personal representative has been appointed, within two (2) years after~~  
2                   ~~the decedent's death].~~

3 (2) Nothing in this section shall affect or prevent:

4       (a) To the extent of the security only, any proceeding to enforce any mortgage,  
5           pledge, lien or other security interest securing an obligation of the decedent or  
6           upon property of the estate; or

7       (b) To the limits of the insurance protection only, any proceeding to establish  
8           liability of the decedent or the personal representative for which he is  
9           protected by liability insurance.