

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE ADOPTION OF A)
NEW RULE TO BE ADDED AS AN APPENDIX)
TO SDCL 29A-3)

RULE 97-43

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the adoption of a new rule concerning a statement of claim form, and the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be added as an appendix to SDCL 29A-3, be and it is hereby adopted to read in its entirety as follows:

State of South Dakota)	In Circuit Court
County of _____) SS	_____ Judicial Circuit
Estate of _____)	
Deceased. _____)	FILE NO. _____

STATEMENT OF CLAIM

This claim is made against the estate:

Description of Claim	Due Date, If Not Yet Due	Amount
1. _____	_____	\$ _____
2. _____	_____	\$ _____
3. _____	_____	\$ _____
4. _____	_____	\$ _____
5. _____	_____	\$ _____
TOTAL CLAIM		\$ _____

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- ☐ This claim is unsecured.
☐ This claim is secured by _____.
☐ This claim is contingent or unliquidated because _____
_____.
Dated _____.

Claimant's Signature

Claimant's Name

Claimant's Address

Claimant's Telephone Number

(The following information shall appear on the back of the
Statement of Claim form)

How To Use This Form:

The Statement of Claim is presented by:

1. Filing the Statement of Claim with the clerk of courts and mailing a copy to the personal representative, or
2. Mailing or delivering the Statement of Claim to the personal representative. (A proof of notice should be filed with the clerk if the Statement of Claim is mailed to the personal representative.)

If the claim is not yet due, the date when it will become due must be stated. If the claim is secured, the security must be described. If the claim is contingent or unliquidated, the nature of the uncertainty must be stated. See SDCL 29A-3-804.

Comments:

No presentation of claim is required in regard to matters claimed in court proceedings brought against the decedent which were pending in any court at the time of death. See SDCL 29A-3-804(b). A claim can be "presented" by commencing an action against the personal representative within the time for presenting a claim. See SDCL 29A-3-804(a)(2).

The time limitations specified in SDCL 29A-3-803 do not apply to liability claims against the decedent or the personal representative to the extent that they are "protected by liability insurance," or any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate.

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IT IS FURTHER ORDERED that this rule shall become effective
July 1, 1997.

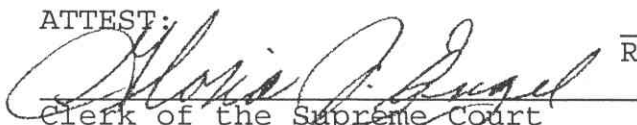
DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 1997

