

United States of America

State of West Virginia



County of Monongalia, ss:

Creditor Claim

ESTATE OF \_\_\_\_\_

Now comes the undersigned creditor and being first duly sworn deposes and says that the character of his/her claim against the above estate is: \_\_ Open Account, \_\_ Note, \_\_ Bond, \_\_ Bill, \_\_ Writing, \_\_ Obligor, \_\_ Judgment, \_\_ Decree, for \_\_\_\_\_ in the amount of \$ \_\_\_\_\_; that there is interest due in the amount of \$ \_\_\_\_\_ from the \_\_\_\_ day of \_\_\_\_\_ at the rate of \_\_\_\_\_ % per annum.

Affiant further says that the claim is just and true and that neither he/she, nor any prior owner of the claim has received any part of the money above stated to be due, or any security or satisfaction for the same, except what is credited. Attached hereto is a complete itemized statement of the claim so filed and shall be considered part of this affidavit.

Signature: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My Commission expires: \_\_\_\_\_.

NOTARY SEAL

Notary Public

## West Virginia Code

**\*Please note that a \$20 fee is required to record a claim against an estate.**

### **§44-2-5. Claims to be proved by vouchers and affidavits in first instance.**

Every claim against the estate of a decedent shall be itemized, verified by affidavit, accompanied by proper vouchers and shall state the character of the claim, whether open account, note, bond, bill, writing obligatory, judgment, decree or other evidence of debt and the amount thereof and from what date and on what items interest runs and at what percent per annum and stating further that the claim is just and true and that the creditor, or any prior owner of the claim, if there was one, has not received any part of the money stated to be due or any security or satisfaction for the same, except what is credited. The voucher for a judgment or decree shall be an abstract thereof; for a specialty, bond, note, bill of exchange, writing obligatory or other instrument, shall be the instrument itself, or a true copy thereof, or proof of the same in case the instrument be lost; and for an open account, an itemized copy of the account. This section does not apply to taxes.

### **§44-2-6. Claims taken to be proved; objections to claims; hearings; funeral expenses.**

Every claim so itemized, so accompanied by proper vouchers, and so verified, shall be taken to be proved, and shall be allowed, unless before the commissioner shall make up his report of claims the personal representative or a distributee, or a legatee, or, in the case of estates that appear to be insolvent, a creditor, shall file before the commissioner a counter affidavit, denying the claim in whole or in part; and when said counter affidavit is so filed the commissioner shall fix a time and place for hearing evidence for and against such claim and give reasonable notice of such time and place to the claimant, the party objecting, and the personal representative. If the commissioner, having held such hearing, does not allow any such claim, the claimant shall pay the expense of having the testimony adduced at such hearing recorded and/or transcribed. The commissioner, in the exercise of his sound discretion, may require that the claimant post a bond or other security sufficient to pay the estimated cost of having such testimony recorded and transcribed as a condition precedent to holding such hearing. If such claim, having been disallowed by the commissioner, subsequently shall be allowed as a claim against the estate, the claimant shall be entitled to recover from the estate the expenses so paid. Claims for funeral expenses shall be made and determined in the same manner as any other claims.