

395.015 Applications for appointment of personal representative -- Presentation of will -- General financial disclosure statement -- Declaration.

- (1) Before being appointed as executor, administrator, curator, or administrator with the will annexed, every person shall make and file in duplicate a written application for appointment under oath, which shall include:
 - (a) The names of the deceased's surviving spouse and all of his or her heirs at law as are known, and the United States postal address and electronic mail address of each if known;
 - (b) The date of death;
 - (c) A statement of any indebtedness owing by the applicant to the deceased;
 - (d) If the decedent died testate, the name and address of the person to whom any will admitted to probate and recorded with the county clerk is to be returned under KRS 394.300; and
 - (e) An acknowledgment by the person seeking appointment as executor, administrator, curator, or administrator with the will annexed in substantially the following form:

"Upon appointment, I agree to faithfully execute the duties required by law, and such additional duties ordered by the court, and that I am subject to removal as a fiduciary if I fail to perform the required duties, and subject to possible civil and criminal penalties for improper conversion of any property I hold as a fiduciary."
- (2)
 - (a) If the decedent died testate, the decedent's will shall be presented to the court prior to or at the time of any appointment.
 - (b) After the will is admitted to probate, the clerk of the court shall:
 1. Beginning January 1, 2028, collect the fee required by the county clerk under KRS 64.012 for the filing of a will and the tax required under KRS 142.010; and
 2. Deliver the following to the county clerk:
 - a. The will and a certified copy of the order admitting the will to probate, which shall include the name and address of the person to whom the will is to be returned as provided under KRS 394.300; and
 - b. The filing fee and tax collected under subparagraph 1. of this paragraph.
- (3)
 - (a) A written general financial disclosure statement of the property of the decedent, to the extent known, shall be filed separately at the time of filing the application for appointment.
 - (b) The general financial disclosure statement shall comply with the requirements in subsection (4) of this section and shall include the approximate value, determined in good faith, of all real and personal property known by the applicant which may include:
 1. Furniture and household goods;
 2. Personal effects, including jewelry and collectibles;

3. Stocks, bonds, bank accounts, and retirement accounts that do not constitute a nontestamentary transfer on death as provided in KRS 391.360;
 4. Insurance policies if payable to the estate of the decedent;
 5. Real property that is not held in joint ownership with another with right of survivorship; and
 6. Any other personal property accurately identified, including the decedent's share in any partnership or ownership in any other entity.
- (c) The general financial disclosure statement shall be confidential, placed under seal when filed, and disclosed only:
1. To the personal representative;
 2. To the personal representative's attorney;
 3. To any beneficiary or heir at law;
 4. As required under subsection (9) of this section and KRS 395.250; or
 5. By order of the court upon a showing of good cause that shall include a creditor who has filed a verified statement of claim against the estate.
- (d) As used in paragraph (c) of this subsection, and in KRS 395.250(7), a finding of good cause shall not:
1. Be based solely on the position of the decedent as a public official, public figure, or other person who has drawn substantial public attention due to the person's official acts, fame, notoriety, or celebrity; or
 2. Be made if the release of the protected information would constitute a clearly unwarranted invasion or exploitation of personal privacy or proprietary interests of a beneficiary of the estate or an heir at law without substantial evidence of irreparable harm or material financial loss if release of the requested information to the requesting party is denied.
- (4) The application for appointment and the general financial disclosure statement shall be signed and dated by the person seeking the appointment and the acknowledgment required under subsections (1) and (3) of this section may be satisfied, with like force and effect, by a written and dated declaration under the penalty of perjury, in substantially the following form:
- "I declare under the penalties of perjury of the laws of the Commonwealth of Kentucky, which may include a fine or imprisonment, that the foregoing is true and correct."
- (5) If the application for appointment is being made by the executor named in the will, the names and addresses of the heirs at law may be omitted unless requested by the court.
- (6) The application of a nonresident shall include the designation of a resident of the county where probate or administration is pending as his or her agent for the service of process in any action against him or her as personal representative or personally, provided that the personal action must have accrued in the administration of the estate.

- (7) (a) Except as provided in paragraph (b) of this subsection, the court shall set a time for hearing the application for appointment when:
 - 1. An administrator with will annexed or de bonis non is to be appointed and there is no surviving spouse; or
 - 2. The surviving spouse waives the right of appointment or is not qualified to act and does not nominate a suitable administrator, and there is more than one (1) resident heir at law entitled to appointment.
- (b) No hearing shall be required under paragraph (a)2. of this subsection if the surviving spouse and all of the known heirs at law have executed a waiver of the right to a hearing.
- (c) Notice of any hearing set under this subsection shall be given to the surviving spouse and all known heirs of the deceased residing in the state, or elsewhere, in the manner provided in KRS 395.016.
- (8) Upon receipt of the filings and presentation of the will as required under this section, the court, in its discretion, shall determine if a hearing on the application for the appointment of a fiduciary is required.
- (9) The clerk of the court shall transmit a copy of the application and general financial disclosure statement to the commissioner of the Department of Revenue.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 4, effective July 15, 2026. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 382, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 299, sec. 13. -- Amended 1972 Ky. Acts ch. 168, sec. 15. -- Amended 1970 Ky. Acts ch. 29, sec. 2. -- Amended 1968 Ky. Acts ch. 200, sec. 7. -- Created 1942 Ky. Acts ch. 167, sec. 5.