395.020 Executor not to act until will probated, surety bond executed, and oath taken or declaration made -- Exception.

(1) The person named in a will as executor shall not act as executor to any extent until:

(a) The will or an authenticated copy of the will is admitted to probate;

(b) He or she has presented an executed surety bond when required under KRS 395.130; and

(c) He or she has taken an oath in the court in which the record is made, or if no hearing is required by the court for appointment, has filed with the court in which the record is made the declaration executed under penalty of perjury in accordance with KRS 395.120.

(2) The person named in a will as executor may, however, provide for the burial of the testator, pay the reasonable funeral expenses, and take care of and preserve the estate.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 6, effective July 15, 2026. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3886.