

395.455 Transfer of assets without administration.

- (1) Where the exemption for the surviving spouse or children, alone or together with preferred claims, paid by either the surviving spouse or children or by the surviving spouse where the surviving spouse's estate is legally liable for payment, equals or exceeds the amount of distributable assets, the court may order that administration of the estate be dispensed with and the assets be transferred to the surviving spouse or, if there is no surviving spouse, to the surviving children, or to a person designated by the surviving spouse. The court may order that administration of the estate be dispensed with in both testate and intestate estates without requiring the renunciation of a will.
- (2) If the court is satisfied that no distributable estate will pass through the hands of the personal representative, it may order that no letters of administration be issued and in the case of a testate estate, order that the will be probated only.
- (3) The court may order that the administration of the estate be dispensed with and the assets transferred in favor of a preferred creditor or other person where:
 - (a) A surviving spouse or, if there is no surviving spouse, the surviving children have waived the exemption accorded by law in favor of a person who has paid preferred claims in an amount equaling or exceeding the amount of distributable assets or who is legally entitled to payment; or
 - (b) There is no surviving spouse or surviving children, and another person has paid preferred claims or is legally entitled to payment.
- (4) For purposes of this section, the exemption for the surviving spouse and children shall be the exemption created by KRS 391.030, and preferred claims shall be those listed in KRS 396.095 and in the order listed.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 134, sec. 20, effective July 15, 2026. -- Amended 1988 Ky. Acts ch. 90, sec. 29, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 277, sec. 17, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 299, sec. 10.